DOCUMENT RESUME

ED 255 451 SO 016 370

TITLE Law: The Language of Liberty. Supplemental Materials for Alabama Social Studies Teachers. Grade 12.
INSTITUTION Alabama Administrative Office of Courts, Montgomery.
PUB DATE Oct 81
NOTE 140p.; For related documents, see SO 016 360-369. Produced with assistance from the Alabama State Department of Education, the Alabama Education Association, and the Alabama Council for School Administration and Supervision.
PUB TYPE Guides - Classroom Use - Guides (For Teachers) (052)

EDRS PRICE MF01/PC06 Plus Postage.
DESCRIPTORS Case Studies; Constitutional Law; Court Litigation; Courts; Criminal Law; Educational Games; Grade 12; High Schools; Instructional Materials; Juvenile Courts; *Laws; Learning Activities; *Legal Education; Lesson Plans; Puzzles; Simulation; *Social Studies
IDENTIFIERS *Law Related Education; Mock Trials

ABSTRACT

Student activity pages, teacher background information, and lesson ideas for teaching about law in social studies classrooms are presented. Lessons in this unit further develop ideas presented in the eighth grade packet and can be used to supplement a course in government. Section I provides suggestions for using community resource persons. Section II provides information and activities for teaching civil law, including a jury duty simulation, a case study, and lessons about small claims courts. Sections III and IV provide information and activities for teaching criminal and juvenile law. A chart of the criminal court process, tips on mock trials, a mock trial simulation, questions and answers about juvenile court, and a chart showing the juvenile court process are included. Section V deals with other legal subjects, including consumer protection and traffic regulation. In the sixth and final section, suggestions for activities to use with the glossary of legal terms, games and puzzles, newspaper stories and cartoons, and case studies are provided. Case studies include "Terry versus Ohio," "Stein versus Kansas," "The Case of Gerald Gault," "Tinker versus Des Moines," and the "Watergate Tapes Controversy." A list of sources of materials for court simulations concludes the document. (LH)

****
* Reproductions supplied by EDRS are the best that can be made *
* from the original document. *
****

U.S. DEPARTMENT OF EDUCATION
NATIONAL INSTITUTE OF EDUCATION
EDUCATIONAL RESOURCES INFORMATION CENTER (ERIC)

☐ This document has been reproduced as received from the person or organization originating it.

☒ Minor changes have been made to improve reproduction quality.

• Points of view or opinions stated in this document do not necessarily represent official NIE position or policy.

"PERMISSION TO REPRODUCE THIS MATERIAL HAS BEEN GRANTED BY

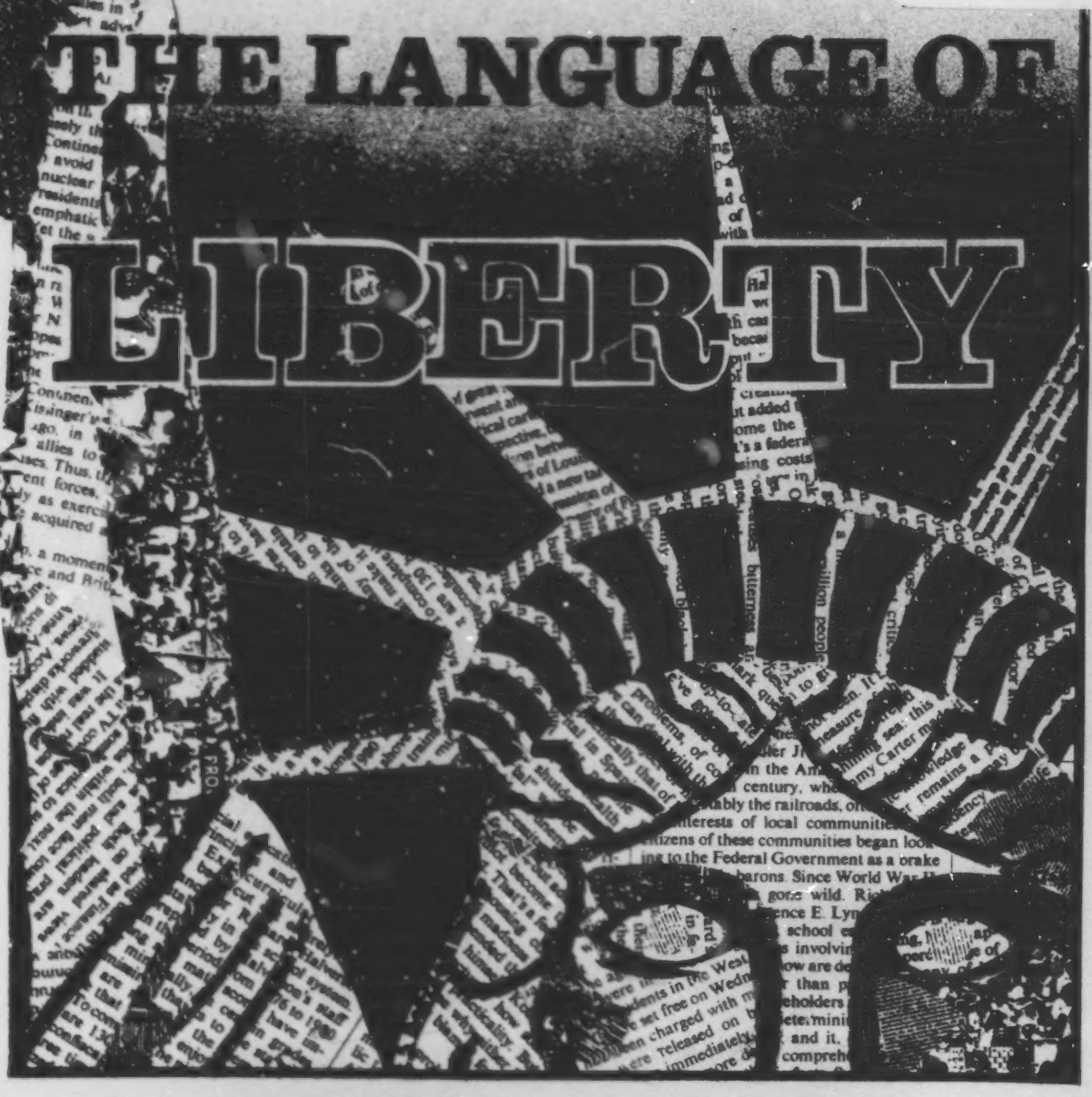
William A. Campbell

TO THE EDUCATIONAL RESOURCES INFORMATION CENTER (ERIC)."

ED255451

LAW

THE LANGUAGE OF LIBERTY



Supplemental Materials for Alabama Social Studies Teachers

GRADE 12 2

SP 016 370

LAW: THE LANGUAGE OF LIBERTY

SUPPLEMENTAL MATERIALS FOR ALABAMA SOCIAL STUDIES TEACHERS

ADMINISTRATIVE OFFICE OF COURTS
817 South Court Street
Montgomery, Alabama 36130

C. C. Torbert, Jr.
Chief Justice
Alabama Supreme Court

Allen L. Tapley
Administrative Director of Courts
Administrative Office of Courts

Dr. Paul R. Hubbert
Executive Secretary
Alabama Education Association

Dr. Wayne Teague
State Superintendent of Education
State Department of Education

James A. Street
Executive Director
Alabama Council for School Administration and Supervision

PROJECT STAFF

Julie B. Young
Project Director
Administrative Office of Courts

Thelma Braswell
Director
Alabama Judicial College

Marie H. Hendrix
Project Coordinator
State Department of Education

Robert A. Martin
Director, Administrative Services
Administrative Office of Courts

Tyna D. Davis
Project Coordinator
Alabama Education Association

Dr. Aldoph B. Crew
Chairman, Program of Secondary Education
University of Alabama

Published by: Alabama Administrative Office of Courts
October, 1981

- - - - - - - - - - - - - - - - - - - -

Inquiries and comments concerning this Supplemental Materials Packet should be directed to:

Allen L. Tapley
Administrative Director of Courts
Administrative Office of Courts
817 South Court Street
Montgomery, Alabama 36130
Telephone: (205) 834-7990
Toll-Free (in-state): 1-800-392-8077

ACKNOWLEDGEMENTS

The project staff extends special appreciation to the teachers who contributed to the preparation of these supplemental materials: Lee Baldwin, Ozark; Ellen Burchfield, Huntsville; Hilda Cargile, Bessemer; Peggy Clay, Florence; Betty Colquitt, Dothan; Genie Deason, Mulga; Betty Dinwiddie, Huntsville; Linda Fleming, Phenix City; Rose Marie Floyd, Montgomery; Bertha Gadson, Gadsden; Martha Garrett, Decatur; Sheila Hocutt, Brookwood; Mary Elizabeth Johnson, Anniston; Alma Wyatt Jones, Tuscaloosa; Annie McClellan, Florence, Mary McConatha, Cullman: Mary Ann McCoy, Leighton; Jackie McDaniel, Crossville; Genette Meeks, Jasper; Ruby Nettles, Butler; Eddie Player, Childersburg; Rebecca Scott, Huntsville; James H. Smith, Florence; Mike Spain, Opelika; Bob Summerville, Selma; Bernie Swanson, Huntsville; Dr. W. A. Taylor, Jr., Chatom; Suzanne Thornton, Tuscaloosa; Dot Waller, Prattville.

Our gratitude is also expressed to the many members of the staff of the Administrative Office of Courts, particularly Tom Barber, Rebecca Bentley, Jim Berry, Donald Brook, Lynda Flynt, David Melton, and Peggy Walker, who contributed suggestions and ideas that are reflected in these final packets. Other contributors to whom we would like to express appreciation are Margaret T. Conger, Kathleen Andrews, and Deborah A. Hewes (cover design).

Several people were involved in typing the packets, and we would like to extend our thanks to: Suzie Mims for coordinating the typing effort, Amy Carter, Donna Curtis, Evelyn Moore, and Betsy Poole.

We also wish to thank the following organizations for allowing us to reprint materials which are incorporated in these packets: Constitutional Rights Foundation, Dallas Independent School District, National Center for Law-Focused Education, National Council for Social Studies, North Dakota Department of Public Instruction, and Sears Roebuck Foundation.

Finally, we are grateful to the staff of State Printing and Publications for the specialized work they did and to the Alabama Correctional Industries for the reproduction of these materials.

PREFACE

These Supplemental Materials Packets for Social Studies teachers are the culmination of a one-year cooperative effort involving the Administrative Office of Courts, the State Department of Education, the Alabama Education Association, and the Alabama Council for School Administration and Supervision.

The packets are being provided in an effort to furnish specific information to teachers and students about Alabama's laws and its system of justice. These materials and activities are not meant to substitute for the established curriculum in any way, but rather, they are intended to enhance it.

The packets may be taken apart so the suitable activities can be duplicated. In order to provide variety, as many ideas as possible have been included. Therefore, it is hoped that teachers will choose only those activities they feel will be appropriate for their students.

In order to help the project staff determine the usefulness of the program, an evaluation sheet has been provided at the end of each packet. Any comments or suggestions made on the evaluation sheet will be greatly appreciated.

Finally, these packets were designed to attain two goals, to provide assistance to teachers and help create a greater respect among young people for the law and its purposes.

TABLE OF CONTENTS

INTRODUCTION

SECTION I: GENERAL INFORMATION AND SUGGESTIONS

Materials from the Administrative Office of Courts 1

Using Community Resource Persons 2

SECTION II: INFORMATION AND ACTIVITIES FOR TEACHING CIVIL LAW

Jury Duty - A Role-Playing Simulation 3

Instructions to the Jurors, Observers, Judge, Bailiff, Witnesses, Lawyers 6

Sequence of the Trial "Polly Plaintiff v. Danny Defendant" (a civil case) 8

The Small Claims Court in Alabama 22

Suing in Small Claims Court 31

SECTION III: INFORMATION AND ACTIVITIES FOR TEACHING CRIMINAL LAW

The Criminal Court Process (a chart) 37

Tips on Mock Trials 38

Mock Trial Simulation for a Criminal Case 39

SECTION IV: INFORMATION AND ACTIVITIES FOR TEACHING JUVENILE LAW

Some Major Provisions of the Juvenile Code and Rules of Procedure 44

Questions and Answers about Juvenile Court 49

Juvenile Delinquency Case Process (a chart) 52

Bailey Cases (a student activity) 53

SECTION V: INFORMATION AND ACTIVITIES ON OTHER RELATED SUBJECTS

Twenty-Four Hours of Law 57

Consumer Protection 58

State Adopted Books and Suggested Activities 58

Other Suggested Activities 59

Traffic Regulations 60

Other Suggested Activities 61

SECTION VI: FURTHER ACTIVITIES

Suggested Activities to use with the Glossary of Legal Terms 62

Glossary of Legal Terms 63

Directions and Samples for the following activities:

Flash Cards 67

Court Lingo 68

Word Finds 71

Crossword Puzzles 74

Newspaper Stories, Cartoons 83

Case Studies 84

Terry v. Ohio 86

Stein v. Kansas 89

Case of Gerald Gault 92

Tinker v. Des Moines 95

Watergate Tapes Controversy 98

Cases for Further Study 100

Other Topics for Case Studies 101

Suggested Activities to be used with the Guide to Alabama Court Procedures 102

SIMULATION MATERIALS 119

EVALUATION SHEET

INTRODUCTION

The teaching of a course of government is part of the Social Studies curriculum for the twelfth grade. This packet of supplementary information and suggested activities is designed to complement that course.

Even though this packet closely parallels the eighth grade one, it explores the concepts presented in greater detail. Some of the information that appears in the eighth grade packet is repeated here, and this is noted on the material for your awareness.

Because most senior students are still legally defined as juveniles, a section on juvenile law has been included. It is recommended, however, that equal or greater attention be given to the laws and regulations which govern adult society because seniors should be aware of the "change of rules" that will affect them shortly thereafter.

SECTION I

GENERAL INFORMATION AND SUGGESTIONS

TO THE TEACHER

The suggested activities will be most useful when they are used with substantive information about the judicial system. The following publications, which are available through the Administrative Office of Courts (address and telephone numbers given below), will aid teachers who need precise and accurate information about Alabama's Court System.

Alabama Courts Come to Order
Set of slides and/or filmstrip. Your local school system should also have at least one copy of the filmstrip; contact the person in charge of media.

Alabama Courts Come to Order
A booklet for students which can accompany the slide presentation or filmstrip.

Alabama Appellate Courts
A booklet which describes the appellate courts and gives some biographical information about the judges who sit on those courts.

The Who, When and How of Using the Small Claims Court in the State of Alabama
A booklet which can provide background information for the teacher. Copies are also available through your local District Court.

Guide to Alabama Court Procedures
This is probably the most helpful single resource. It contains a good glossary of legal terms. One copy of the Guide should be included with this packet.

Alabama Juror's Handbook
A booklet given to jurors as they begin jury service. Copies may also be obtained by contacting your Circuit Court Clerk.

Administrative Office of Courts
817 South Court Street
Montgomery, AL 36130

Local number - 834-7990
Toll-free number - 1-800-392-8077

BEST COPY AVAILABLE

USING COMMUNITY RESOURCE PERSONS

TO THE TEACHER

Make extensive use of community resource persons to teach about law and court procedure. Examples: judges (Circuit, District, Municipal), clerks of court, lawyers, district attorneys, sheriff, police, probation officers, ex-offenders.

A successful classroom hour can best use community resources by preplanning.

1. Give the resource person enough lead time.

2. Prepare the speaker as to the size, age level and background of your class.

3. Let the speaker know what you are currently studying and how the speaker fits in. Tell him or her what materials you are using.

4. Determine the appropriate method of preparation.

   a. lecture
   b. panel discussion
   c. mini-lecture with discussion
   d. mock trial/role play/simulation
   e. debate
   f. other activity you would like speaker to try

5. Prepare the class.
   Have materials read and discussed; students should prepare questions in advance. In role-play, have students discuss problems.

6. If video taping equipment is available, tape presentations by resource people. These can be used for review or for classes the speaker cannot visit in person.

SECTION II

INFORMATION AND ACTIVITIES FOR TEACHING CIVIL LAW

JURY DUTY*

A Role-Playing Simulation

TO THE TEACHER

This game is designed to provide students with an opportunity to experience the role played by jurors in the legal system. They will hear testimony given by witnesses and be required to weigh the evidence, grapple with the issue of credibility of witnesses, listen to the charge to the jury by the judge, and ultimately be asked to render a fair and impartial verdict based on the evidence presented and the existing law.

Major objectives of this game are to develop critical thinking, discussion and listening skills. In addition, participation in the "model" will enable students to face some of the conflicts jurors face in reaching a verdict and to draw conclusions about a legal suit. An added benefit will be the exposure to trial procedure.

RULES

1. This simulation game should involve 20-30 participants.

2. Select persons at random to play the following roles.

6 or 12 Jurors	1 Judge
Plaintiff	5 to 10 Observers
Defendant	1 Bailiff
1 or 2 Plaintiff's Attorneys	2 Witnesses
1 or 2 Defendant's Attorneys	

*Reprinted from Law in the Lone Star State, written by Lanette S. Baker, Edited by B. R. Sullivan, and published by the Dallas Independent School District. Used with permission.

3. Organize the classroom to duplicate the courtroom as shown. If possible, provide table for plaintiff and defendant.

JUDGE

WITNESS

DEFENDANT AND ATTORNEY

PLAINTIFF AND ATTORNEY

JURY

OBSERVERS

4. Copy and hand out an instruction sheet for each participant and a trial script to the judge, lawyers, witnesses and bailiff. Do not allow jurors to see the script.

5. Begin the trial and proceed with testimony of all witnesses. At the conclusion of the testimony, the judge should read his charge to the jury. They should go to the middle of the room. If tables are available, have them sit around the table and the rest of the class arranged so that they can hear the deliberation. The foreman (juror No. 1) should act as chairman. To reach a decision, he will ask for a vote on each question in the judge's charge. The vote must be unanimous. If all jurors do not agree on a question, they should discuss the evidence and try to convince the other jurors of their point of view. If they are unable to agree, they may state that they cannot reach an agreement on that question.

6. At the completion of the jury's deliberation, the game is completed.

DEBRIEFING

As with any simulation, the most important aspect is the analysis of the activity. Ample time should be allowed for full discussion of the activity. The following questions are suggested:

1. Was the role-play believable?

2. Were the jurors serious about their role?

3. What did you observe the jurors doing? Do you think these are the kinds of things jurors in an actual case do?

4. Did the jury follow the rules given to them by the judge? Did you as jurors find it hard to follow the rules?

5. Did the jurors use the evidence they heard in the trial in answering the questions?

BEST COPY AVAILABLE

6. Did the jurors find it hard to rely on the evidence only? Did anything else affect your thinking? Do you think this is a problem for jurors in a real case?

7. In the trial, the plaintiff told her story of the accident and the defendant told a story which was completely opposite. Both were under oath. Was someone lying?

8. Did you as jurors feel involved in the situation? Did it seem important to render a fair decision?

9. Do you believe the jury system is a good way to provide justice? Why or why not?

10. On a piece of paper complete the following statement, "I learned that a jury..." Share the statements.

INSTRUCTIONS TO THE JURORS

Your job is to listen carefully to the evidence presented by the witnesses and make a decision only on the admissible evidence. You will hear testimony and you must decide who is telling the truth. You may believe or disbelieve all or part of what a witness says. After you have heard the testimony you will listen to the charge read to you by the judge. The charge will give you the law that applies to this case. There will be questions which you must answer. You must follow the instructions given to you by the judge.

The judge will give you a list of questions and you will go to the center of the room to make your decision. Juror No. 1 will be the foreman of the jury. He will read the first question and call for discussion. After the discussion he will call for a vote. You will vote on each question by answering "yes" or "no." A juror may try to convince others of his viewpoint but remember to use only the testimony allowed in the trial. If you cannot all agree on an answer, you may go on to the next question.

Remember to follow the judge's instructions carefully. If any juror does not, the foreman should warn him.

INSTRUCTIONS TO OBSERVERS

Observers should take their seats and act as the audience in the courtroom. Their job will be to give feedback to what takes place.

INSTRUCTIONS TO THE JUDGE

The judge plays the role of referee. He will make the rulings as directed in the script of the trial.

INSTRUCTIONS TO BAILIFF

The bailiff will seat and swear in the jury, administering the following oath: "You and each of you do solemnly swear (or affirm) that in the case of Polly Plaintiff against Danny Defendant you will a true verdict render according to the law and the evidence so help you God. Your answer is I do."

The bailiff will call and swear in witnesses, using the following oath for each witness: "You do solemnly swear (or affirm) that the testimony which you will give in this case now on trial will be the truth, the whole truth, and nothing but the truth, so help you God."

BEST COPY AVAILABLE

INSTRUCTIONS TO WITNESSES

The witnesses should read and study the testimony they are to give. They should behave on the witness stand as they think the person they are playing would behave and give their testimony in response to questions asked by the lawyer. They want to convince the jurors that they are telling the truth.

INSTRUCTIONS TO LAWYERS

The lawyers for the plaintiff and defendant should try to prove their client's case by examining and cross-examining witnesses. They should ask only the questions of the witnesses which are provided in the script of the trial.

BEST COPY AVA:;

POLLY PLAINTIFF V. DANNY DEFENDANT*

PARTICIPANTS

Witnesses:

Judge	Mr. Mason, Plaintiff's Attorney
Polly Plaintiff	Mr. Marshall, Defendant's Attorney
Danny Defendant	Jurors
Officer Ironsides	Bailiff
Dottie Date	Observers

SEQUENCE OF THE TRIAL

Bailiff: The Circuit Court of the Twenty-third judicial circuit of Alabama is now open and in session, the Honorable Judge _____ presiding. All persons having business before the court come to order. Case of POLLY PLAINTIFF V. DANNY DEFENDANT.

Bailiff: Is the plaintiff ready?

Mr. Mason: The plaintiff is ready.

Bailiff: Is the defendant ready?

Mr. Marshall: The defendant is ready.

Bailiff: (Addressing the jury) It is now time to swear in the jury. The jury will rise, raise your right hand and be sworn in. Do you solemnly swear (or affirm) that you will well and truly try the issues now to be given to you, that you will speak nothing to anyone of the business or matters you have in hand, but among yourselves; nor will you suffer anyone to speak to you about the same but in court; and when you are agreed upon any verdict, you will keep it secret until you deliver it up in court? Do you all so swear (or affirm)?

Jury: I do.

Judge: Mr. Mason, do you have an opening statement?

Mr. Mason: Yes, your Honor. (Addressing the jury) Ladies and gentlemen, we will show that on the night of October 26, last, at about 9 p.m. my client,

*Reprinted from Law in the Lone Star State, written by Lannette S. Baker, edited by B. R. Sullivan, and published by the Dallas Independent School District. Used with permission.

Miss Polly Plaintiff, was traveling north on Oak Lawn Avenue. When she reached the intersection at Wycliff, Mr. Danny Defendant carelessly failed to yield the right of way and caused considerable damage to my client's car. I am sure, after you hear the evidence, you will find for my client.

Judge: Mr. Marshall, do you have an opening statement?

Mr. Marshall: Yes, your Honor. (Addressing the jury) Ladies and gentlemen, we will show the plaintiff and not the defendant was the careless one in this accident that occurred at the intersection of Oak Lawn and Wycliff on October 26 of last year. When you have heard the evidence, I am sure you will find for the defendant.

Judge: Mr. Mason, call your first witness.

Mr. Mason: We call Polly Plaintiff.

Bailiff: Place your left hand on the Bible and raise your right hand. (Witness does so) Do you swear (or affirm) to tell the whole truth and nothing but the truth in this case, under penalty of perjury, so help you God?

Polly Plaintiff: I do.

Bailiff: Be seated.

Mr. Mason: Please state your name.

Polly Plaintiff: Polly Plaintiff.

Mr. Mason: Are you married?

Polly Plaintiff: No sir, I am engaged.

Mr. Mason: What is your age?

Polly Plaintiff: 19.

Mr. Mason: Do you work?

Polly Plaintiff: Yes sir, I work for the No Fault Insurance Company.

Mr. Mason: How long have you had your job?

Polly Plaintiff: Since I graduated from high school.

Mr. Mason: On the evening of October 26, last year, at about 9:15 p.m., did anything unusual happen to you?

Polly Plaintiff: Yes sir.

Mr. Mason: Please explain.

Polly Plaintiff: I was driving north on Oak Lawn Avenue and as I approached the intersection of Wycliff, Danny Defendant's car was coming from the other direction. He turned left in front of me and ran into my car. I think Mr. Defendant came out of the left lane. I didn't see him signal; he just pulled across in front of me and hit me.

Mr. Mason: Why didn't you try to stop if you saw him turning?

Polly Plaintiff: I was going straight ahead on Oak Lawn at 15 m.p.h. and the light was green. He turned in front of me after I was in the intersection, so I couldn't stop.

Mr. Mason: Pass the witness.

Judge: Mr. Marshall, you may cross-examine.

Mr. Marshall: Miss Plaintiff, you said you had a green light, did Mr. Defendant also have a green light?

Polly Plaintiff: Yes, I guess so.

Mr. Marshall: There is not a left turn arrow there, is there?

Polly Plaintiff: Well, no.

Mr. Marshall: When did you first notice Mr. Defendant's car?

Polly Plaintiff: I saw his lights just as I was about to enter the intersection. I wasn't watching for him to turn because he didn't have his signal lights on.

Mr. Marshall: Did you see him signal for a left turn with his arm?

Polly Plaintiff: No, I didn't see that, it was dark and nobody signals that way anymore.

Mr. Marshall: Are you saying you didn't see it or he didn't do it?

Polly Plaintiff: I'm saying I didn't see it.

Mr. Marshall: Well, then he might have been signaling and you weren't paying attention. Were you?

Polly Plaintiff: Well, he might have signaled, but I was paying attention, because I always do.

Mr. Marshall: You mean you never make any mistakes when you're driving; you always see what goes on around you?

Polly Plaintiff: Yes sir, I never make mistakes. I'm a very careful driver.

Mr. Marshall: You said that you were going 15 m.p.h. Does that mean you were going exactly 15 m.p.h.?

Polly Plaintiff: Yes sir.

Mr. Marshall: You looked at your speedometer just before the accident?

Polly Plaintiff: Oh no, but I know I was because I always go about 15 m.p.h. on Oak Lawn.

Mr. Marshall: Well, isn't it possible then, since you didn't look at your speedometer, that you were going several miles faster?

Polly Plaintiff: (reluctantly) Well, I suppose it's possible, but I don't think so.

Mr. Marshall: Thank you, pass the witness.

Judge: Mr. Mason, would you like to re-examine the witness?

Mr. Mason: Yes, your Honor. Miss Plaintiff, since you didn't look at your speedometer, isn't it also possible that you were going several miles slower?

Polly Plaintiff: (eagerly) Oh, yes sir, quite possible.

Mr. Mason: Thank you. That's all the questions we have of this witness, your Honor.

Judge: Do you have further questions, Mr. Marshall?

Mr. Marshall: No sir.

Judge: The witness may step down. Mr. Mason, call your next witness.

Mr. Mason: We call Dottie Date.

Bailiff: Place your left hand on the Bible and raise your right. (Witness does so) Do you swear (or affirm) to tell the whole truth and nothing but the truth in this case, under penalty of perjury, so help you God?

Dottie Date: I do.

Bailiff: Be seated.

Mr. Mason: State your name.

Dottie Date: Dottie Date.

Mr. Mason: How old are you?

Dottie Date: I'm 20.

Mr. Mason: Are you married?

Dottie Date: No sir.

Mr. Mason: Where do you live?

Dottie Date: With my parents at 4415 Peachtree Street.

Mr. Mason: Where do you work?

Dottie Date: At the telephone company. I am a telephone operator.

Mr. Mason: Where were you on the night of October 26, at approximately 9 p.m.?

Dottie Date: I was in a car with Danny Defendant. We were involved in an accident with Polly Plaintiff.

Mr. Mason: Please tell us exactly what happened.

Dottie Date: I was in the right front seat of the car and we were coming from the King-Burger where we had had a hamburger. As we approached the intersection of Oak Lawn and Wycliff, Mr. Defendant suddenly slowed down. He began to turn into the intersection across the path of the traffic coming toward us. As he began to turn, I had the feeling there was going to be a wreck or a near miss and I yelled, "Danny, look out!" I don't remember anything after that because I hit my head on the dashboard.

Mr. Mason: As he started to turn, did Mr. Defendant make any traffic signal?

Dottie Date: I didn't see any traffic signal--he's a terrible driver.

Mr. Mason: Did he come to a stop before he turned into the intersection?

Dottie Date: Well, he slowed down a little but he never stopped; he just turned on into the intersection.

Mr. Mason: When you first noticed the car driven by Miss Plaintiff, had it entered the intersection?

Dottie Date: I don't know, but it must have been close or it wouldn't have hit us.

Mr. Marshall: (Rising) You Honor, I object to the answer to that last question, except the "I don't know." It is a conclusion by the witness. She has already said she doesn't know.

Judge: Objection sustained and I instruct the jury not to consider that part of Miss Date's answer after she said, "I don't know."

Mr. Mason: Pass the witness.

Judge: Mr. Marshall, you may cross-examine.

Mr. Marshall: Miss Date, you stated that Mr. Defendant is a terrible driver. How do you know this?

Dottie Date: (Angrily) Well, we had a wreck.

Mr. Marshall: Have you ever been in a wreck with Mr. Defendant before?

Dottie Date: No.

Mr. Marshall: Had you ever ridden with Mr. Defendant before?

Dottie Date: No, I never had. It was a blind date and the first time I had ever seen him.

Mr. Marshall: Have you ridden with him since the accident?

Dottie Date: No, I certainly haven't. I'll never ride with that creep again.

Mr. Marshall: You really don't like Mr. Defendant, do you?

Dottie Date: No, even if we hadn't had an accident, he's got to be the worst blind date I've ever had. And besides he didn't even offer to pay the doctor bill for my bruised head. He just turned me off completely.

Mr. Marshall: In fact, he turned you off so completely that you weren't paying any attention to what he said or did, were you?

Dottie Date: No, I wasn't...(stammer) uh--I mean except for his driving.

Mr. Marshall: (Knowingly) Yes, Miss Date, we know what you mean. Pass the witness.

Judge: Mr. Mason, would you like to re-examine the witness?

Mr. Mason: No more questions, your Honor.

Judge: The witness may step down.
Mr. Mason, call your next witness.

Mr. Mason: We call Officer Ironsides.

Bailiff: Place your left hand on the Bible and raise your right. (Witness does so) Do you swear (or affirm) to tell the whole truth and nothing but the truth in this case, under penalty of perjury, so help you God?

Officer Ironsides: I do.

Bailiff: Be seated.

Mr. Mason: Officer Ironsides, on October 26, of last year, at approximately 9:15, were you called to investigate an accident?

Officer Ironsides: Yes sir.

Mr. Mason: Where was this accident?

Officer Ironsides: At the intersection of Oak Lawn and Wycliff.

Mr. Mason: Tell us what you found when you arrived at the scene.

Officer Ironsides: There were two cars in the intersection and there had been a collision. Car no. 1 had been traveling south on Oak Lawn Avenue. Car no. 2 was traveling north on Oak Lawn. Car no. 1 was making a left turn and hit Car no. 2 in the front end. The left front fender of Car no. 1 was damaged and the entire front end of Car no. 2.

Mr. Mason: Can you tell us the exact position of the cars in the intersection?

Officer Ironsides: I have a diagram which I drew of the cars at the time of the accident (shows diagram to jury--see insert). As you can see, the cars hit at about the center of the intersection. Car no. 1 was turning left. Car no. 2 was going straight through. The cars were standing about one foot apart after the impact.

Mr. Mason: Is there an arrow or special light for cars turning left at that corner?

Officer Ironsides: No, just an ordinary green light. There is no protected left turn.

Mr. Mason: Officer, did you issue a ticket at the time?

Officer Ironsides: Yes, I gave Danny Defendant...

Mr. Marshall: Objection; a ticket indicates only a possible violation of a city ordinance. It has no bearing on negligence in a Civil suit.

Judge: Objection sustained. The jury will disregard the last statement.

Mr. Mason: Thank you, Officer. Pass the witness.

Judge: Mr. Marshall, you may cross-examine.

Mr. Marshall: Officer Ironsides, did you check the signal lights on Mr. Defendant's car?

Officer Ironsides: Yes sir.

Mr. Marshall: What did you find?

Officer Ironsides: They were not working when I checked them.

Mr. Marshall: Was the window on the driver's side rolled down?

Officer Ironsides: Yes, it was.

Mr. Marshall: Thank you, no further questions.

Judge: Mr. Mason, would you like to re-examine the witness?

Mr. Mason: Yes, your Honor. Officer Ironsides, was the evening warm for October?

Officer Ironsides: Yes, it was.

Mr. Mason: Thank you. Pass the witness.

Judge: Do you have further questions, Mr. Marshall?

Mr. Marshall: No questions, your Honor.

Judge: You may step down. Call your next witness, Mr. Mason.

Mr. Mason: The plaintiff rests its case.

Judge: Mr. Marshall, you may call your first witness.

Mr. Marshall: We call Danny Defendant.

Judge: (To bailiff) Swear in the witness.

Bailiff: Place your left hand on the Bible and raise your right. (Witness does so) Do you swear (or affirm to tell the whole truth and nothing but the truth in this case, under penalty of perjury, so help you God?

Danny Defendant: I do.

Bailiff: Be seated.

Mr. Marshall: Please state your name.

Danny Defendant: Danny Defendant.

Mr. Marshall: Are you married?

Danny Defendant: No sir.

Mr. Marshall: How old are you?

Danny Defendant: 20.

Mr. Marshall: Are you employed?

Danny Defendant: Yes sir, I am a salesman at the Picture Perfect Furniture Store.

Mr. Marshall: Tell us what happened to you last October 26 at approximately 9:15.

Danny Defendant: I was in my car going south on Oak Lawn. I wanted to turn left to take my date home. I had a green light so I put my arm out and

signaled a left turn because the turn lights on my car weren't working. At the time I started to turn left there was no traffic in the left lane. I saw lights of a car coming toward me but they must have been 200 feet up from the intersection. The car must have speeded up because as I turned left, the car hit me.

Mr. Marshall: Were you watching the car coming toward you?

Danny Defendant: Yes, I was watching and being very careful--I would never have turned if there had been any danger.

Mr. Marshall: Pass the witness.

Judge: Mr. Mason, you may cross-examine.

Mr. Mason: Mr. Defendant, you testified that the car appeared to be 200 feet away and speeded up--is that correct?

Danny Defendant: About 200 feet.

Mr. Mason: How is it then, that the cars were only one foot apart after the collision and that there was no more damage to either car?

Danny Defendant: I was going slow, I don't know how fast but I thought the car was about 200 feet away and that I could safely turn.

Mr. Mason: No further questions.

Judge: Do you wish to re-examine the witness, Mr. Marshall?

Mr. Marshall: Yes, your Honor, just one question. Had Miss Plaintiff's car reached the intersection when you began your turn?

Danny Defendant: No sir, I am sure it had not.

Mr. Marshall: Thank you, no further questions.

Judge: Do you have further questions, Mr. Mason?

Mr. Mason: Yes, your Honor. Mr. Defendant, weren't you in fact talking to your date and not paying any attention to the traffic?

Danny Defendant: No sir! I saw the car, I thought I could make the turn.

Mr. Mason: No further questions.

Judge: The witness is excused.
Mr. Marshall, call your next witness.

Mr. Marshall: We have no further witnesses. The defense rests its case.

Judge: Gentlemen, you may make your closing statements.

Mr. Mason: Ladies and gentlemen of the jury, my client, Polly Plaintiff, has had her car damaged in a wreck. Testimony given by my client and other witnesses proves that she had the right of way. The light was green, Mr. Defendant agrees to that, and she lawfully went into the intersection. The testimony of both my client and Dottie Date shows that Mr. Defendant was not watching what he was doing. No one saw him signal in any way. Mr. Defendant also claims that Miss Plaintiff must have speeded up. Cars driving at high speeds hit with great force. If Miss Plaintiff were traveling at a speed much faster than 15 m.p.h., surely both cars would have been more damaged. Also, the impact would have caused the cars to be farther apart than one foot. Now, if Miss Plaintiff was traveling at 15 m.p.h., she would have to have been in or near the intersection and Mr. Defendant should have yielded to her car. Thank you.

Judge: Mr. Marshall, you may make your closing remarks.

Mr. Marshall: Ladies and gentlemen, the question of right of way is very difficult. The driver going through an intersection does not always have the "right of way." The driver of the car turning left has the right of way if he signals and unless a car is so close as to be an immediate hazard. Mr. Defendant does not deny that he saw Miss Plaintiff's car. He was watching and judged that he could safely make the turn. Surely he did not turn knowing he would be hit by another car. He also signaled; an arm signal is a legal signal. But Miss Plaintiff has testified that she did not see the signal. She did not exercise care nor did she keep a proper look out, or the accident would not have happened. Thank you.

Judge: (Addressing the jury) This case will be given to you in the form of questions. You must decide the facts based on the evidence you have heard in the trial. You must decide who and what you believe. You will reach your decision by answering the questions. The rules are as follows:

1. Do not let prejudice or sympathy affect your decision. This means you should not decide because you like or dislike one of the people in the case. You should not decide for a person because you feel sorry for him.

2. Don't decide who you think should win before you answer the questions. Listen to each question. Answering one question "yes" does not mean you must answer another question "no."

3. Do not decide by any method of chance like drawing straws. Don't trade answers. That is, don't agree to answer a question one way if others will agree to answer a question another way.

4. Your answer must be unanimous on each question. That means everyone must agree on the same answer.

Ladies and gentlemen, retire and consider your verdict.

The bailiff escorts the jury from the courtroom. The jury selects a foreman. When a decision is reached he indicates to the Judge that they have reached a verdict. The bailiff escorts them back to the jury box.

Judge: Has the jury reached a verdict?

Foreman: Yes, your Honor. (He then says) "We find for the defendant." (or he says) "We find for the plaintiff."

Judge: (If for the Plaintiff) Danny Defendant, you will pay for the repair of damages to Miss Plaintiff's car and all court costs, including the cost of Miss Plaintiff's lawyer.

BEST COPY AVAIL.

(If for Defendant) Polly Plaintiff, you will pay all court costs including the cost of Mr. Defendant's lawyer.

QUESTIONS THE JURY WILL CONSIDER

1. Do you find from the evidence given in the trial that Danny Defendant did not give Polly Plaintiff the right of way? That means the right to use the highway at the time.
   Answer "Yes" or "No"

2. Do you find from the evidence given in the trial that Danny Defendant failed to watch for other cars as a person usually would?
   Answer "Yes" or "No"

3. Do you find from the evidence that Danny Defendant's actions caused the accident?
   Answer "Yes" or "No"

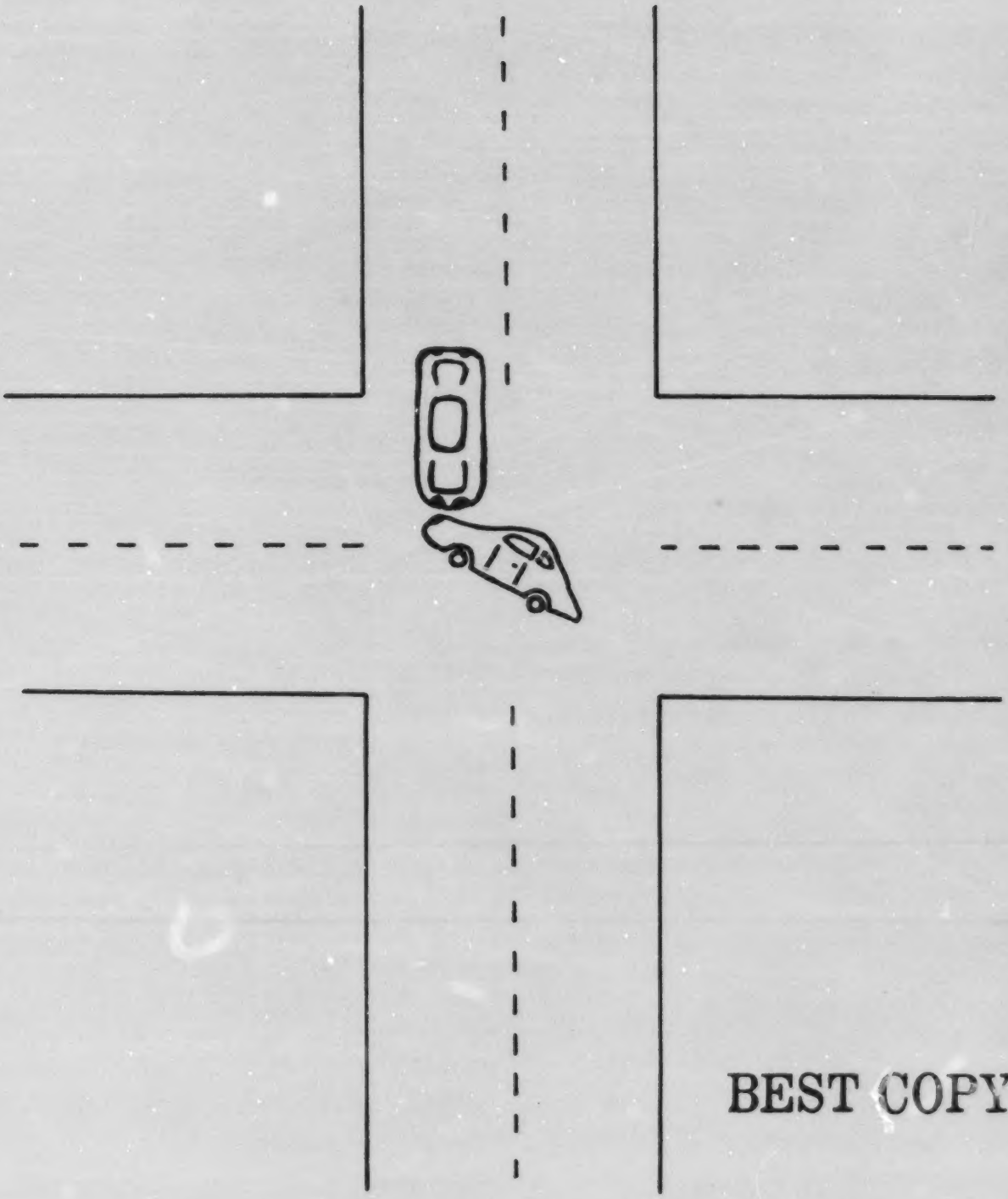
4. Do you find from the evidence given in the trial that Polly Plaintiff did not give Danny Defendant the right of way? That means the right to use the highway at the time.
   Answer "Yes" or "No"

5. Do you find from the evidence given in the trial that Polly Plaintiff failed to watch for other cars as a person usually would?
   Answer "Yes" or "No"

6. Do you find from the evidence given in the trial that Polly Plaintiff's actions caused the accident?
   Answer "Yes" or "No"

BEST COPY AVAILABLE

OFFICER IRONSIDES' DIAGRAM



BEST COPY

THE SMALL CLAIMS COURT IN ALABAMA

TO THE TEACHER

The following information has been taken directly from the brochure, The Who, When and How of Using the Small Claims Court in the State of Alabama, published by the Administrative Office of Courts. You may wish to copy the material and hand it out as a reading assignment, or you might simply want to explain the material to your students.

A copy of the actual forms for filing a Small Claim and for answering a charge have been included. These forms can be copied so the students can have the opportunity to fill them out.

Be aware that some general information on Small Claims as well as copies of the previously mentioned forms also appear in the supplemental materials packet for the eighth grade. Even though your students may have been exposed to a brief introduction to the Small Claims Court, the information and role-playing simulation contained in this supplementary packet have been designed to give them more detailed and practical knowledge.

THE SMALL CLAIMS COURT IN ALABAMA

1. WHAT IS THE SMALL CLAIMS COURT?

The purpose of our civil court system is to settle disputes or disagreements between one person or business and another. Many of the disputes between people or businesses do not involve large amounts of money or difficult legal problems.

The Small Claims Court handles disputes involving money or property valued at $500 or less. The procedures of this court are very simple so that an individual can file and handle his own claim, or defend himself without a lawyer. There are no juries used in the Small Claims Court.

Small Claims Court is a part of the District court and is located in each county in Alabama.

2. WHAT ABOUT ALL THAT FANCY LEGAL TALK?

There are very few terms you need to learn to effectively use the Small Claims Court. A knowledge of some basic words used in court will help.

In Small Claims Court, a "Statement of Claim" (Complaint) is the legal paper filed by the "plaintiff" telling the other party as well as the court about the dispute. The person (or party) being sued is the "defendant". In a law suit, the plaintiff's name comes first and then the defendant's name. For example, Jones against Miller means Jones, the plaintiff, is suing Miller, the defendant.

3. CAN I USE THE SMALL CLAIMS COURT?

Any person who has reached the age of nineteen (19) or any business organization can file a claim in the Small Claims Court. A person under 19 years of age must bring someone who is 19 or older, to file the Statement of Claim. Check with the Small Claims Clerk as to who may file the Statement of Claim for you if you are under 19.

4. WHEN CAN I USE THE SMALL CLAIMS COURT?

You can use the Small Claims Court if you are involved in a dispute over money or property valued at $500 or less. The types of disagreements are numerous--for example:

Someone owes money to you and won't pay;

You worked for someone but have not received the full amount of pay agreed;

You have paid someone to perform some work or repair something and he has not done it;

You have purchased something from a business but it breaks down and the business refuses to replace it;

Someone has carelessly damaged something you own and refuses to fix or pay for the loss or damage;

You have paid a security deposit on an apartment and have not damaged the apartment in any way but the landlord refuses to return your deposit.

There are many other situations which could bring you into Small Claims Court. If you find yourself in any situation in which you feel that you are being wronged, and the claim involves $500 or less, the Small Claims Court gives you a way to tell your story to a judge with little expense and normally without the need to hire a lawyer.

Remember: Before filing a claim, try to contact the other person (or party) and solve this problem by coming to an agreement or settlement. This attempt, if successful, will save you time and money. (Such agencies as the Better Business Bureau and various consumer protection organizations can be of assistance if your dispute is with a business firm over a product or service.) If you cannot get the other person (or party) to come to a reasonable solution, you may wish to file your claim in Small Claims Court.

5. HOW DO I FILE A CLAIM IN SMALL CLAIMS COURT?

If you think you have a claim, go to the Small Claims Court in the county where the person or business you wish to sue lives or has an office. File a Statement of Claim (Complaint) form with the clerk. Give the original plus one copy to the clerk and keep a third copy for yourself. (An extra copy is needed for each additional defendant you wish to sue.)

NOTE: Refer to the Statement of Claim forms in this handbook to prepare your claim for filing. Be sure to read the instructions on the back of the Statement of Claim form. If you are suing a business, check the telephone book for help in getting the correct name of the business.

A. WHAT HAPPENS WHEN I FILE A CLAIM?

The clerk will assign your case a number. Use this case number whenever you contact the court concerning your case. YOU MUST PAY COURT FEES AT THE TIME YOUR CASE IS ASSIGNED A NUMBER. If you feel you cannot afford to pay this fee, you can fill out a form asking the judge to decide if you can file your case without paying the fee. Ask the Small Claims clerk for the form.

The clerk will set the day and time of your court trial at the time of filing, or will send you a notice of the day and time of the court trial at a later date.

B. HOW MUCH DO I HAVE TO PAY TO FILE MY CLAIM IN SMALL CLAIMS COURT?

A basic fee of $15 is required to file your claim. This fee includes the cost of having your Statement of Claim legally delivered to the defendant (this is called service of process). In order to insure a speedy service of process, make sure you have the correct name and address of each defendant. If your claim involves more than one defendant, an additional $5 will be charged for each extra defendant.

If you win your Small Claims case, you have the right to charge the defendant for the court fees you paid (in addition to the court ordered judgment) to bring your case before the court.

6. WHAT HAPPENS AFTER I FILE A CLAIM?

The clerk will send you a copy of the Statement of Claim and Answer/Counterclaim form to each person or business you have named as defendant--normally by sheriff. If you wish, certified mail may be used at a little extra cost to you.

You, the plaintiff, must check with the clerk to make sure that each defendant was served with your Statement of Claim. If not, you must go to the clerk's office and try to have the defendant served with your Statement of Claim again. You can see that it is important for you to give the correct name and address for each defendant you are suing in your claim.

Once served with the Statement of Claim, each defendant has 14 days to file an Answer/Counterclaim form with the clerk of the Small Claims Court. If he doesn't file the form, refer to paragraph 10 for further facts on a default judgment.

If the defendant does file an answer, you and the defendant will receive a notice telling you when your trial day is set, if you were not given one when you filed your claim.

7. WHAT SHOULD I DO IF THE DEFENDANT TRIES TO SETTLE THE CLAIM BEFORE THE TRIAL DATE?

After receiving the Statement of Claim, the defendant or his lawyer may try to contact you. This is usually done to try to settle the claim so that he will not have to go to court. You are encouraged to talk with the defendant concerning the dispute in an attempt to reach an agreement without having to go to court. Any such agreement should always be in writing and should include who is to pay the court costs. If the defendant does not agree to pay the court costs as part of your settlement of the claim, you are responsible.

REMEMBER: If you do accept a settlement before the trial, YOU must notify the clerk, in writing, that you are dropping your court case because it has been settled.

8. HOW SHOULD I PREPARE MY CASE FOR TRIAL?

a. Gather all of the papers and documents (such as bills, receipts, photographs, letters, contracts, etc.) which you feel are needed to present your side of the story to the judge. Keep these papers together in this folder. If your claim is for damage to your car or other personal property, you should bring at least two repair shop estimates on how much it will cost to fix your car or other property and an estimate of the value of your car or other property before the damage. If you had your car repaired before you decided to file your claim in Small Claims Court, you should still bring at least two repair shop estimates and the actual bill showing what you paid for the repairs.

b. Write down the details and facts of your case. This will help you in telling your side of the story during the trial. Use only the necessary facts, but, tell the whole story.

It is your responsibility to insure the defendant has been served, and check to see that everything is ready for the trial.

9. CAN I BRING WITNESSES TO SMALL CLAIMS COURT?

Yes, you can bring witnesses. (Anyone with first-hand-knowledge of your case may be of help to you.) If a witness says he cannot or will not come to the trial because of work or other things to do, the court can make him come by issuing an Order to Appear, (Subpoena). If your claim involves an accident and you want the investigating law officer to come to court as your witness, you must ask the clerk to issue an Order to Appear (Subpoena) for him.

If an Order to Appear (Subpoena) is needed, the forms and cost should be discussed with the clerk well ahead of the trial to make sure that each of your witnesses are served.

Witnesses are paid a small fee ($1.50) to appear in court, plus travel expenses based on the miles they must travel to the court (5¢ per mile). You, the plaintiff, will be required to pay these fees to the clerk for each witness who is ordered to appear (subpoeaned).

10. DOES ANYTHING ELSE HAPPEN BEFORE THE TRIAL?

In some cases, the judge will request an informal meeting of the people involved in the case. This is done in order to give the parties a chance to discuss the dispute and see if an agreement is possible.

This meeting (called a pre-trial conference) could lead to a voluntary settlement saving time for everyone. The clerk will notify you if a pre-trial conference is desired by the judge.

If the defendant fails to file an Answer/Counterclaim within 14 days, he is taking the point of view that he does not intend to

defend himself. If this happens, you should gather all of your papers and documents necessary to prove your case and go to the clerk's office and see about getting a "default judgment" against the defendant. See paragraph 13 of this handbook for more information.

11. WHAT HAPPENS AT THE TRIAL?

First--BE ON TIME--If you are late on your court day, the judge may throw your case out of court. If something comes up preventing you from being on time or coming to the trial at all, you must inform the clerk and request a continuance (delay or postponement) of the trial. You must also realize that the defendant has the same right to request a continuance as you do. The judge may or may not grant you a continuance.

Remember, there may be a number of cases to be heard, so you will have to wait your turn.

Bring all the receipts, photographs, bills, letters, etc., you have gathered to present your side of the story to the judge. Remind your witnesses to be on time for your trial. If the defendant is ready to present his case, the judge may not delay the trial simply because your witness is not present.

Relax--You will have a chance to tell your story and show your evidence to the judge. The judge and defendant will ask you questions and you may ask the defendant questions concerning the case to help determine the facts. Since the defendant's version might be quite different from yours, this questioning will be of importance in determining the true facts of the case. Be brief, but do not leave out important names, dates, and places.

After hearing both sides of the story and looking at the evidence, the judge will make a decision (based on the law and what he sees as the real facts) called the Judgment.

12. WHAT HAPPENS IF THE DEFENDANT DOESN'T COME TO THE TRIAL?

In the event that the defendant does not appear in court on the trial day, you should ask the Small Claims clerk or the judge for a Default Judgment. After a review of the case (to decide if all of the defendant's rights have been protected under the law), the clerk or judge may enter a "Judgment by Default" against the defendant. You can then take the actions discussed in paragraph 13.

13. HOW DO I GET MY MONEY IF I WIN?

There are basically two ways to win a Small Claims law suit:

a. By default judgment--as discussed (above) in paragraphs 10 and 12.
b. By judge's decision (judgment) at the conclusion of a trial.

If you win your case, you should ask the other party to pay you immediately; and if he is not present, you should let him know that a judgment has been awarded and ask him to pay.

The methods for getting your money from the defendant after the judgment are outlined in the following paragraph.

14. WHAT SHOULD I DO IF THE DEFENDANT DOESN'T PAY THE JUDGMENT AS ORDERED BY THE COURT?

If the other party refuses to pay you after you have received a judgment, you may obtain a court order authorizing the sheriff to pick up any property belonging to the losing party and sell it to satisfy the judgment. You may also obtain a court order to garnish the wages of the losing party. The court cannot, however, put the losing party in jail.

The clerk can provide guidance and the necessary forms--but it is up to you, the plaintiff, to follow through on this case if you want the money the court says you should get.

This process can become very involved and you may wish to have a lawyer help you with collection.

15. WHAT CAN I DO IF I DISAGREE WITH THE COURT JUDGMENT?

If you disagree with the judgment (decision) in your case, you can appeal by filing a "Notice of Appeal" form with the clerk of this court within 14 days after the date of this judgment. The appeal will normally be decided in the Circuit Court where you have a right to ask for trial by jury.

The party filing an appeal must be prepared to pay a filing fee and post a bond to cover any unpaid court costs. A person who is unable to afford this fee or bond may be allowed to file an appeal after filling out an affidavit showing the judge his financial circumstances.

State of Alabama Unified Judicial System Form SM-1 Rev 2/79	**STATEMENT OF CLAIM** **(Complaint)** **General**	Case Number SM ID ___ YR _____ Number

IN THE SMALL CLAIMS COURT OF _____ COUNTY

Plaintiff
Address

Against

Defendant
Address

Attorney
Address

Additional
Defendant

BEST COPY

Date of
Filing _____

NOTICE TO EACH DEFENDANT — READ CAREFULLY

YOU ARE BEING SUED IN THE SMALL CLAIMS COURT BY THE PLAINTIFF(S) SHOWN ABOVE. THE JUDGE HAS NOT YET MADE ANY DECISION IN THIS CASE, AND YOU HAVE THE RIGHT TO A TRIAL TO TELL YOUR SIDE.

HOWEVER, IF YOU, OR YOUR LAWYER, FAIL TO FILL OUT THE ENCLOSED ANSWER FORM AND DELIVER OR MAIL IT TO THE CLERK AT THE ADDRESS SHOWN BELOW, SO THAT IT WILL GET TO THE CLERK'S OFFICE WITHIN FOURTEEN (14) DAYS AFTER YOU RECEIVE THESE PAPERS, A JUDGMENT CAN BE TAKEN AGAINST YOU. ONCE A JUDGMENT HAS BEEN ENTERED AGAINST YOU, YOUR PAYCHECK CAN BE GARNISHED AND/OR YOUR HOME OR PROPERTY SOLD TO SATISFY THAT JUDGMENT.

COMPLAINT

1. I claim the defendant owes the plaintiff the sum of $_____ because:

2. Plaintiff also claims from the defendant court costs in the sum of $_____ (see note below), plus $_____ for interest and $_____ for lawyers fees (**only** if plaintiff is represented by a licensed, practicing attorney and if the contract or note you signed so provides.)

NOTE: The total amount of court costs may be more than this amount when the case is finally settled. The clerk will inform you of any additional costs at the close of the case.

_____ By: _____
Clerk

Plaintiff or Attorney (Signature)

CLERK
ADDRESS:

PHONE NO. _____

PHONE NO. _____

SEE INSTRUCTIONS ON THE BACK

COURT RECORD (White) PLAINTIFF (Green) DEFENDANT (Yellow) 29 41

INSTRUCTIONS TO THE PLAINTIFF(S)

BEST COPY

This is your case, and if you are acting as your own lawyer, you are responsible in seeing that your claim is successfully presented at each stage of the procedure until it is concluded.

The Clerk of the Court has a handbook which tells you how to handle a Small Claims case. That book is free to you on request. If you need any additional help, ask the Clerk assigned to Small Claims cases.

1. You must complete one of these forms for each defendant you wish to sue. Each defendant must be described by his correct legal name and address (not a post office box). Be as brief as possible but include every important name, date and place.

2. To start your case you must file the completed form with the Clerk assigned to Small Claims cases. The Clerk will stamp a copy for you to show that the case has been filed and will insert the number of the case on the front of this form.

3. You are responsible for seeing that each defendant receives a copy of this form. If you haven't heard from anyone about the case in about fourteen days, then check with the Clerk's office, to make sure that each defendant has been served.

4. If any of the defendants ask for a trial, you will be notified of the place, the date, and the time. You must be present or your case will be dismissed. You may take a judgment by default fourteen (14) days after the defendant has received a copy of this form, if the defendant fails to file his Answer.

5. You are responsible to see to the enforcement of any judgment that is awarded to you. The Small Claims Handbook will tell you how to go about recovering your money.

ANY TIME YOU CONTACT THE CLERK ABOUT THIS CASE YOU MUST REFER TO THE CASE NUMBER ON THE FRONT.

SUMMONS

INSTRUCTIONS TO SHERIFF OR PROCESS SERVER

To Any Sheriff or Any Person Authorized By Rule 4.1(b)(1) or 4.1(b)(2) of the Alabama Rules of Civil Procedure to Effect Service in the State of Alabama:

You are hereby commanded to serve this summons and a copy of the Statement of Claim in this action upon the defendant named on the reverse side and make proper return to this court.

Date Received _____ _____ By: _____
Clerk

Served on the defendant(s) named _____

_____

by delivering a copy of the Summons and Statement of Claim to him in _____ County, Alabama.

Date Served _____ _____
Process Server Signature

This service by Certified Mail of this Summons and Statement of Claim is initiated upon the request of _____ pursuant to Rule 4.1(c) of the Alabama Rules of Civil Procedure.

Date Requested _____ Date Mailed _____

Return Receipt Date _____ _____ By: _____
Clerk

State of Alabama
Unified Judicial System

Form SM-3 Rev 2/79

DEFENDANT'S ANSWER

Case Number

SM ___ _____
ID YR Number

DATE FILED

IN THE SMALL CLAIMS COURT OF _____ COUNTY

Plaintiff: Against Defendant:

Address: Address:

Part I

DEFENDANT'S ANSWER TO THE COMPLAINT

Check One:

A. _____ I do not live in this county. I want this case transferred to my home county of _____

B. _____ I admit everything in the Statement of Claim and do not want a trial. (This means that you consent to a judgment for the amount claimed plus court costs.)

C. _____ I admit that I owe some money, but not the total amount claimed by the plaintiff(s). (Explain below)

D. _____ I deny that I am responsible at all. (Explain below)

IF YOU CHECKED "C" OR "D", BRIEFLY EXPLAIN THE REASONS FOR YOUR ANSWER.

BEST COPY

Name of Employer	Business Phone Number
Address of Employer	Weekly Take-Home Pay This will be helpful to the Court, but you are not required to give this information

Part II. BE SURE TO SIGN THIS FORM BEFORE MAILING.

Keep the green copy for your files.
Mail the original (white copy) to the
Small Claims Court at the address below.

_____
Defendant/Attorney (Signature)

ADDRESS:

Phone No. _____

Phone No. _____

SEE INSTRUCTIONS ON THE BACK

COURT RECORD (White) DEFENDANT (Green)

INSTRUCTIONS TO EACH DEFENDANT

Answer Only

1. You MUST fill out this form AND deliver or mail a copy of it to the Clerk at the address on the front, SO IT WILL ARRIVE AT THE CLERK'S OFFICE WITHIN 14 DAYS AFTER THE STATEMENT OF CLAIM WAS DELIVERED TO YOU. You must complete this form even if you admit you are responsible for part—not all—of what the Plaintiff(s) claims.

2. If you need help completing this Answer or wish to file a Counterclaim against the plaintiff, or want more information, call or come by the Clerk's office at the address on the front. Always refer to your Case Number on the front of this form or the Statement of Claim.

3. IF YOU CHOOSE TO MAIL THIS FORM TO THE CLERK, YOU SHOULD CHECK WITH THE CLERK'S OFFICE AFTER SEVERAL DAYS TO MAKE SURE IT WAS RECEIVED ON TIME. Be sure to refer to your Case Number. This Answer must be received by the Clerk within 14 days from the date it was delivered to you.

4. BE SURE TO KEEP A COPY OF YOUR ANSWER FOR YOURSELF. After it is received by the clerk, you will be sent a Notice of the time and place of your trial if you have denied what the plaintiff claims.

BEST COPY

30x

SUING IN SMALL CLAIMS COURT*

A Role Playing Simulation

TO THE TEACHER

This classroom activity attempts to simulate how Small Claims Court works. The simulation may be conducted in several different ways. The class might be divided into small groups with each role-playing all the cases. Or, each group might be made responsible for role-playing one of the cases before the entire class. Another alternative would be to ask for volunteers to enact the cases before one judge. In this way students will be able to see how rapidly cases move in a small claims courtroom.

PROCEDURE

1. Give a copy of the explanation of the roles of the plaintiff, defendant, and judge to the appropriate students. (These explanations follow.)

2. Give a copy of the case explanation to the groups of students who will be role-playing.

USE OF A LAWYER

The legal issues involved in the cases included in this simulation could be explored by a lawyer invited to the classroom. The lawyer might observe the simulation being enacted by the students, or he/she could participate directly as the Small Claims Court judge.

*Reprinted with permission of the Constitutional Rights Foundation.

ROLES OF THE PLAINTIFF AND DEFENDANT

The procedure in this small claims court simulation is very simple. Each party, starting with the plaintiff, presents his/her case to the judge. Thus, the plaintiff and defendant, in turn, may explain to the judge what happened, call and question witnesses, and/or present relevant documents. If witnesses are called, they may be cross-examined by the opposing party after giving direct testimony. Students should base their roles on the information provided in the cases which follow this introduction.

ROLE OF THE JUDGE

Those students who role-play the judge should be aggressive in asking questions during the small claims court trials. The judge needs to find out as many facts as possible in order to make a sound judgment. Decisions made by the judge in each case should be fair and based solely on the facts presented by the plaintiff and the defendant, including the testimony of their witnesses.

THE CASE OF THE MISSING CAMERA

Marilyn Spears, 20, lived in an apartment at the Pine Tree Arms. Marilyn decided to move and gave thirty days notice to the apartment house manager, Cora Buchanan, 56.

As stated in the rental agreement Marilyn had signed, the manager had the right to show the apartment to prospective tenants during the thirty days before Marilyn planned to move out. The rental agreement further stated that if Marilyn was not home, the manager could use her pass key to enter the apartment in order to show it.

One day while Marilyn was at work, Cora showed Marilyn's apartment to a young couple. The couple, however, did not rent the apartment.

When Marilyn returned home that afternoon, she noticed that a camera which her boyfriend had given her was missing from her living room coffee table. Marilyn was sure that she had put it there after going to the park with her boyfriend the day before.

Marilyn asked Cora if she had taken anyone through her apartment that day. When Cora replied that she had, Marilyn told her about her missing camera. Marilyn concluded that the couple which had looked at her apartment must have stolen her camera.

Marilyn reported the theft to the police, but they said that there was little they could do. Cora did not get the name of the couple; therefore they would be hard to trace.

Marilyn was very upset over the loss of her camera. After realizing that she had no personal property insurance, Marilyn went to Cora and blamed her for the theft. "You should have watched them more closely," Marilyn told Cora.

Marilyn then demanded that Cora replace the camera. Cora refused, saying that Marilyn should have been more careful where she kept her camera. "You knew I would probably be bringing strangers to look at your apartment," Cora said.

Marilyn decided to sue Cora in small claims court for $250, the value of the camera Marilyn claimed had been stolen from her apartment.

ROLE PLAYERS

Marilyn Spears (plaintiff)
Cora Buchanan (defendant)
Small Claims Court Judge

THE CASE OF THE BACKYARD MECHANIC

Gil Flores, age 32, told his next door neighbor, Zeke Paulson, 49, that his car needed a motor overhaul. Zeke, who was unemployed at the time, said that he would do a "complete overhaul" for $400. Gil agreed to have Zeke do the job, but no estimate or agreement was written down on paper.

Zeke took pride in his work. As a result he did a very careful and top-quality job on Gil's car. However, Zeke told Gil when he was done with the overhaul that he had to put in more hours than he had originally thought would be necessary. Also, Zeke said he had to buy some new parts. As a result, Zeke charged Gil $600. But Gil refused to pay his neighbor more than the $400 they had first agreed on.

Zeke decided to sue Gil in small claims court for the $200 he said Gil still owed him.

ROLE PLAYERS

Zeke Paulson (plaintiff)
Gil Flores (defendant)
Small Claims Court Judge

THE CASE OF MRS. HOWELL'S FALSE TEETH

Mrs. Howell, age 67, went to the E-Z Credit Dentists for some false teeth. Dr. Sims prepared a set of lowers for Mrs. Howell and charged her $400. Mrs. Howell signed an agreement that she would pay $25 per month plus interest for her lowers.

Mrs. Howell experienced much discomfort with her new false teeth. She went back to Dr. Sims two times to see if he could make her lowers fit better. But Dr. Sims told her that, due to her age, it would take some time for her new false teeth to adjust properly to her gums.

After two months Mrs. Howell's lowers still caused her much pain and discomfort. Rather than going back to Dr. Sims a third time, Mrs. Howell decided to go to another dentist, Dr. Ruben, to see what he could do. Dr. Ruben said that the lowers were not made right and would never fit well. Mrs. Howell then had Dr. Ruben make another set of lowers for her. This set fit perfectly right away and gave Mrs. Howell no trouble. Dr. Ruben charged Mrs. Howell $250 for the new set of false teeth. She paid Dr. Ruben the entire amount in cash.

Mrs. Howell then took her ill-fitting lowers to Dr. Sims and demanded that he take them back and return the $50 plus interest she had already paid on them. Dr. Sims refused to take back the false teeth he had made for Mrs. Howell, and said that she would have to pay for them as she promised in the installment agreement she had signed.

Mrs. Howell, who lived alone on a small pension, sued Dr. Sims in small claims court for $62, the amount of her first two payments plus interest.

ROLE PLAYERS

Mrs. Howell (plaintiff)
Dr. Ruben (witness for Mrs. Howell)
Dr. Sims (defendant)
Small Claims Court Judge

THE CASE OF THE BIG BIRTHDAY BASH

Rick Malone, 20, decided to give a big birthday party for his wife, Alice. He invited all their friends, including Pete Gilroy, 20.

At the party there was lots of food and drink. Pete and some of the other people at the party became drunk. At about 2 a.m., Pete said that he wanted to drive home. Rick and Alice were glad to hear this, since Pete was a loudmouth and had gotten into two fights during the party.

Before Pete left, another friend of the Malones, John Worth, told Rick and Alice that Pete was not in any condition to drive. "Why don't you ask him to stay the night?" John asked. "Oh, he's okay," Rick replied. "Pete gets drunk at every party he goes to."

Pete got into his car, which was parked in the Malones' driveway next to Rick's car. When Pete put his car in gear he lost control and slammed into Rick's car. At this point John took Pete home.

The next morning Pete came for his car. He immediately got into a heated argument with Rick over the accident the night before.

"You drunken bum, you're going to pay for this damage," Rick told Pete.

"It's your fault I got drunk on that cheap booze you served last night. Besides, you shouldn't have let me get into my car until I was sober."

Rick decided to sue Pete in small claims court for the damage to his car, which was estimated at $400. When Pete was served notice that Rick was suing him, he got angry and decided to file a suit of his own.

Pete went down to the small claims court and filed a "Claim of Defendant" form which enabled him to countersue Rick for the damage to his own car, which was estimated at $500. Both Rick and Pete decided against making insurance claims because they feared that their rates might go up.

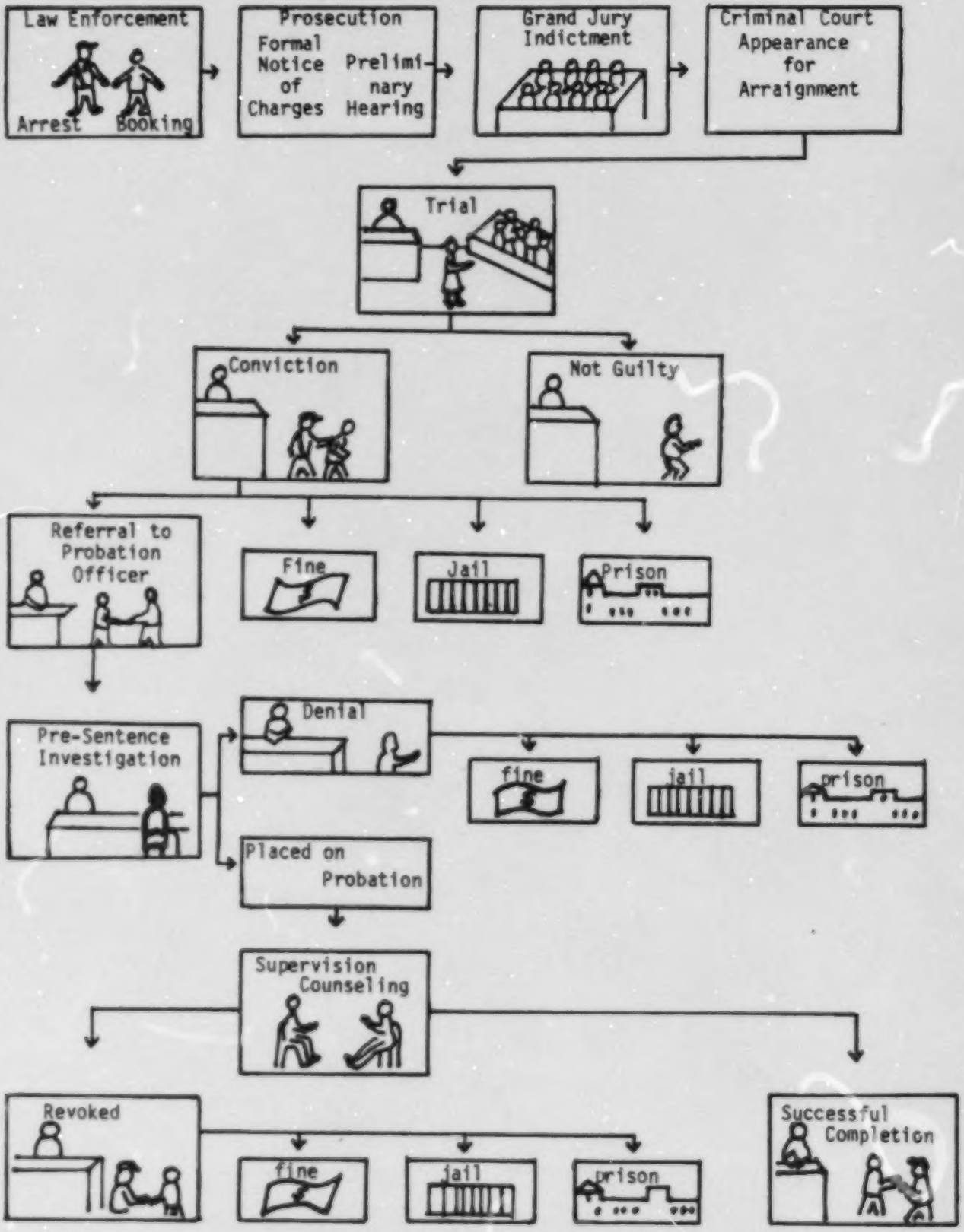
ROLE PLAYERS

Rick Malone	(plaintiff)
Alice Malone	(witness for Rick Malone)
Pete Gilroy	(defendant and plaintiff)
John Worth	(witness for Pete Gilroy)
Small Claims Court Judge	

SECTION III

INFORMATION AND ACTIVITIES FOR TEACHING CRIMINAL LAW

CRIMINAL COURT PROCESS



BEST COPY

TIPS ON MOCK TRIALS*

TO THE TEACHER

The following suggestions may help you in conducting mock trials.

1. A field trip to a courtroom before conducting a mock trial in the classroom can often be helpful in visualizing the process. In lieu of that, many films on the trial process are available.

2. Community resources can be most useful in mock trials. The resources -- judge, attorney, law student, paralegal, attorney's spouse -- can serve as an advisor in developing the trial, or can act as judge.

3. Students can explain their roles and what each person's job is before beginning the mock trial role.

4. Some mock trials successfully use outside persons as a jury. Parents, for example, could serve as the jury.

5. After doing the mock trial before their own class, students could re-do it, either for another class or for parents or others.

6. Mock trials can be video-taped for replay to other classes or groups.

*Be aware that as the eighth graders of 1980-81 become twelfth grade students, they may be familiar with mock trials due to the eighth grade social studies curriculum as well as the material contained in the eighth grade supplemental packet.

MOCK TRIAL SIMULATION

TO THE TEACHER

In the previous section on Civil Law, the script for a mock trial was provided because many times students have difficulty understanding civil procedure. In this section on Criminal Law, however, only the circumstances of a criminal case and the sequence of the trial have been given so that students might have an opportunity to compose their own thoughts and strategies in developing a case.

An alternate activity is to have a group project and let students construct their own set of circumstances.

REMINDER

In an actual trial, all of the witnesses remain outside the courtroom until they are called to testify. After giving their testimony, they leave the courtroom again. This is done in order to keep the witnesses from collaborating with one another during the testimony that is being given.

You may want to conduct this mock trial in the same manner by having the "witnesses" sit outside the "courtroom" (classroom). If you decide not to remove the witnesses during the trial, though, you should explain this practice to your students anyway.

The only possible witness that would remain in the courtroom during the entire trial would be the defendant. The defendant may or may not be a witness in his own behalf; that decision would be one for the defendant and his attorney to make.

NAME OF CASE

State of Alabama v. Jake Stanwick

CHARGE

Burglary, 3rd Degree

PARTICIPANTS

Judge
Bailiff (optional; this character would call the Court to order and announce the case)
Prosecuting Attorney
Defense Attorney
Jerry Burkhart, homeowner
State Trooper Marty Cannon
Police Officer Terry Tabor
Jake Stanwick, defendant
Sandra Stratton, defendant's girlfriend
Mrs. Elsie Stanwick, defendant's grandmother
Tommy Stanwick, defendant's uncle

Jury (which can be 12 people or the remainder of the class)
NOTE: You may even wish to let the attorneys "strike" a venire in order to get the 12 jurors.

CIRCUMSTANCES OF THE CASE

Jerry Burkhart, a car salesman, came to his home at 3905 Dove Avenue, Evanstown, at 6:15 p.m. on December 18. The street light at the end of the street shed enough light that he could see an unidentified automobile parked in front of his house. Being a car salesman, he quickly recognized the make and model of the car; he made a mental note of the tag number and color of the automobile (a blue, 1974 Buick, license number BFR-955).

As he approached the front door and opened the storm door, he noticed that the draft caused the main door to pull shut. The door was unlocked although he had locked it when he had left for work that morning. As he entered his home, he saw a man walking toward him from the hallway with several guns and Christmas packages. Mr. Burkhart yelled, "What are you doing in my house?" The man dropped the merchandise and ran out the door, jumping into the automobile and driving away.

Mr. Burkhart later discovered the patio doors leading to the back yard of his home had been broken, apparently with a fire log from a stack located outside the back door. No items were discovered missing as he assumed he had apparently foiled the burglary scheme.

Police Officer Terry Tabor investigated the burglary, took the statements from Mr. Burkhart and made a report.

At approximately 10 p.m. the same evening, State Trooper Marty Cannon investigated an accident involving one blue 1974 Buick automobile, license tag number BFR-955. A Jake Stanwick was driving the forementioned automobile.

Later that evening, approximately 12 midnight, Jake Stanwick was arrested at his home and charged with the burglary of Mr. Burkhart's home.

PROCEDURE

1. Assign the roles to the students.
2. Give a copy of the "police report" and "trooper report" (which follows) to each of the following characters: judge, prosecuting attorney, defense attorney, police officer (Terry Tabor), and the homeowner (Jerry Burkhart).
3. Give a copy of the "trooper report" only to the character, Trooper Marty Cannon.
4. Give a copy of the "prosecutor's witnesses" to the prosecutor and the homeowner Jerry Burkhart, the trooper, and the police officer.
5. Give a copy of the "defense witnesses" to each of the following characters: the defense attorney, the defendant (Jake Stanwick), the defendant's girlfriend (Sandra Stratton), the defendant's grandmother (Mrs. Eloise Stanwick), and the defendant's uncle (Tommy Stanwick).

6. Give a copy of the "prosecution strategy" to the prosecutor.
7. Give a copy of the "defense strategy" to the defense attorney.
8. Have the students become familiar with their "facts" and their roles.
9. Have the "attorneys" prepare their questions. (You may need to help them compose appropriate questions).

POLICE REPORT

Police Officer Terry Tabor investigated the burglary, took the statements from Mr. Burkhart and made the following report.

Jerry Burkhart, a car salesman, came to his home at 3905 Dove Avenue, Evanstown, at 6:15 p.m. on December 18. The street light at the end of the street shed enough light that he could see an unidentified automobile parked in front of his house. Being a car salesman, he quickly recognized the make and model of the car; he made a mental note of the tag number and color of the automobile (a blue, 1974 Buick, license number BFR-955.

As he approached the front door and opened the storm door, he noticed that the draft caused the main door to pull shut. The door was unlocked although he had locked it when he had left for work that morning. As he entered his home, he saw a man walking toward him from the hallway with several guns and Christmas packages. Mr. Burkhart yelled, "What are you doing in my house?" The man dropped the merchandise and ran out the door, jumping into the automobile and driving away.

Mr. Burkhart later discovered the patio doors leading to the back yard of his home had been broken, apparently with a fire log from a stack located outside the back door. No items were discovered missing as he assumed he had apparently foiled the burglary scheme.

TROOPER REPORT

At approximately 10 p.m. December 18, State Trooper Marty Cannon investigated an accident involving one blue 1974 Buick automobile, license tag number BFR-955. A Jake Stanwick was driving the aforementioned automobile.

PROSECUTOR'S WITNESSES

Witnesses for the prosecution are Homeowner Jerry Burkhart; Trooper Cannon and Police Officer Tabor. In addition to the testimony of the three as described in the circumstances, the prosecutor, has access to Stanwick's rap sheet which shows three prior burglary convictions from other counties, although this information cannot be presented as evidence.

DEFENSE WITNESSES

Witnesses for the defense are Sandra Stratton, girlfriend of the defendant who testifies that she and Stanwick, along with his grandmother Mrs. Elsie Stanwick, were in Hardville (in another county) that evening visiting Tommy Stanwick, uncle of the defendant. Mrs. Elsie Stanwick and Sandra Stratton testify to the same story as does Tommy Stanwick. The defendant's testimony is optional (see Defense Strategy).

PROSECUTION STRATEGY

If the defendant takes the witness stand, the prosecutor can question him as to his past convictions because they were crimes involving moral turpitude. This line of questioning can be made in an effort to impeach the defendant's testimony and to try and reveal the defendant's moral character to the jury.

If the defendant does not take the stand but has character witnesses, you can question these witnesses as to the defendant's moral character and ask questions of their knowledge of his prior convictions.

DEFENSE STRATEGY

The defendant has a rap sheet that shows three prior burglary convictions. The prosecutor has this information.

The defendant does not have to take the witness stand. You must decide if his testimony will strengthen or weaken the case.

The witnesses must agree on the time factor (for departing Hardville and arriving home) as Jake Stanwick (who was alone) was involved in a car accident at approximately 10 p.m. the same night.

SECTION IV

INFORMATION AND ACTIVITIES FOR TEACHING JUVENILE LAW

BEST COPY

SOME MAJOR PROVISIONS OF THE JUVENILE CODE

AND RULES OF PROCEDURE*

1. A district court judge shall be the juvenile court judge unless the presiding judge appoints a circuit court judge to be juvenile court judge in which event the state supreme court must approve the appointment.

2. The juvenile court shall have jurisdiction in the following matters:

   A. Children: delinquency, dependency, or in need of supervision cases; child custody cases (not exclusive jurisdiction); removal of disabilities of non-age; interstate compact cases; commitment of mentally inferior or feeble-minded children; adoption cases which have been removed from probate court; termination of parental rights; cases where child is physically, mentally, or emotionally abused; cases requiring emergency medical treatment; cases alleging rights denied or infringed in suspension, expulsion or exclusion from public schools. Traffic cases may be transferred to juvenile court to be tried as delinquency cases.

   B. Minors and adults: cases charging aiding, encouraging, causing delinquency, in need of supervision, or dependency; failure to obey lawful order of juvenile court or interfering with custody of child under court's jurisdiction; or department of pensions and security worker in their duties; cases charging disclosure or misuse of juvenile court records; paternity cases; desertion and non-support cases; commitment of mentally ill or mentally retarded minors.

3. "Child" means under age 18 at the time the act was committed.

4. "Child in need of supervision" is, by definition of state law, a person under the age of 18 who:

   A. being subject to compulsory school attendance, is habitually truant from school; or

   B. disobeys the reasonable and lawful demands of his/her parent or guardian and is beyond their control; or

*This information also appears in the supplementary packet for the eight grade.

C. has committed an offense established by law but not classified as criminal or one applicable only to children; and

D. in any of the foregoing situations is in need of care or rehabilitation.

The determinations necessary for deciding whether a child is in need of supervision must be made by a juvenile court judge after a petition has been filed with the court alleging such facts.

The category of CHINS (or PINS - Persons in need of supervision as they are called in some states) is a creation of the law designed to enable the juvenile courts to exercise jurisdiction over and prescribe care and treatment for a child who is engaging in basically non-criminal behavior, but who is in need of protection from his/her own conduct. CHINS cases are a separate category from Delinquency cases which do involve a claim that a child has engaged in criminal activity. An example of a typical CHINS case might involve a 15 year-old girl or boy who continually runs away from home and refuses to return without legal cause for such action. The juvenile court, if it determines this child to be in need of supervision, may have to place such child temporarily in the home of another relative or with a public or private agency until the family's problems can be resolved.

5. "Detention care" is for delinquency cases only.

6. "Guardian ad litem" means a licensed lawyer appointed by the court to defend or represent a child or the child's interests.

7. An intake officer may hold open a case and attempt, with the consent of the child and his parents, to make informal adjustment, which consists of counseling or referral to other resources which may provide assistance. The informal adjustment process may be terminated and the petition filed at any time. The informal adjustment process shall not continue for more than six months.

8. When a juvenile court judge exercises jurisdiction other than that of juvenile court, priority in scheduling hearings should be given to juvenile cases, especially those cases in which a child has been detained.

9. A child taken into custody shall be released immediately from detention or shelter care unless release would present a clear and substantial threat of a serious nature to the person or property of others or to the child himself, or unless the child has a history of failing to appear for hearings before the court.

10. A delinquent child or child alleged to be delinquent may be detained in jail only if no other detention facility is available; the detention is in a room separate and removed from all contact with adult inmates; adequate supervision is provided; and the facility is approved by the department of youth services.

11. When a child is not released from detention or shelter care as provided, a petition shall be filed and a hearing held within 72 hours, Saturdays, Sundays, and holidays included, to determine whether continued detention or other care is required.

12. The child has a right to be represented by counsel at all stages of the proceedings. In any proceeding in which there is a reasonable likelihood that the child may be committed to an institution in which his freedom may be curtailed, and if counsel has not otherwise been retained, counsel shall be appointed for the child. In all other proceedings, the court may appoint counsel in any case upon request or when it deems such appointment is in the interest of justice.

13. Statements made by a child to prosecutors, police, probation officers, etc. are admissible in evidence as long as these statements are made under conditions which, when examined in light of all the circumstances surrounding the statement or confession, indicate that they were voluntarily made by the child; the child knowing and understanding the consequences of making such a statement. Some factors considered by the courts in applying this "totality of the circumstances" test in determining whether to allow a particular statement to come in as evidence include: the child's age, education, knowledge of the substance of the charges against him, the nature of his right to remain silent and consult an attorney, whether the child is held incommunicado or whether he is allowed to consult friends or relatives, and other similar relevant factors.

14. In disposition hearings all relevant and material evidence helpful in determining the questions presented, including oral and written reports, may be received by the court and may be relied upon to the extent of its probative value, even though not competent in a hearing on the petition. The parties or their counsel shall be afforded an opportunity to examine and controvert written reports so received and to cross-examine individuals making reports.

15. A child who is 14 or more years of age at the time of the alleged delinquent act (which must be a felony charge) may be transferred for criminal prosecution after a hearing on the motion. Evidence which shall be considered include: nature of present offense; extent and nature of prior delinquency record; nature of past treatment efforts and child's response; demeanor; extent and nature of the child's physical and mental maturity; the interests of the community and of the child. Prior to the hearing, a study and report to the court, in writing, relevant to the factors stated shall be made by probation services. When a person is transferred for criminal prosecution, the court shall set forth in writing its reasons for granting the motion which shall include a finding of probable cause for believing that the allegations are true and correct.

16. At any time after the filing of a petition, the court may suspend proceedings and continue the case, under terms and conditions agreed to by all parties. The court's order continuing the case of the child under supervision of the child's own home, under terms and conditions agreed to by all parties concerned is called a consent decree. If prior to discharge by the probation services or expiration of the consent decree, a new delinquency or in need of supervision petition is filed against the child, or the child otherwise fails to fulfill express terms and conditions of the decree, the petition under which the child was continued under supervision may be reinstated and the case may proceed to adjudication. The provision for consent decrees is intended to expedite the administration of justice and eliminate the need of a finding of delinquency which may cause problems for the child in later life.

17. Unless a child found dependent shall also be found to be delinquent, he shall not be committed to or confined in an institution established for the care and rehabilitation of delinquent children or detention facility.

18. No child found to be in need of supervision, unless also found to be delinquent, shall be committed to or placed in an institution or facility established for the care and rehabilitation of delinquent children unless the court finds upon a further hearing that the child is not amenable to treatment or rehabilitation under any prior disposition, or unless such child is again alleged to be a child in need of supervision and the court, after hearing, so finds.

19. If, after due notice to the parents or other persons legally obligated to care for and support a child found to be delinquent, in need of supervision, or dependent, and after a hearing, the court finds that they are financially able to pay all or part of the court costs as provided by law, attorney fees and expenses with respect to examination, treatment, care or support of the child incurred in carrying out the provisions of this article, the court shall order them to pay the same and may prescribe the manner of payment.

20. Court costs of juvenile cases shall be assessed at a basic fee of $35.00.

21. The court shall, by rule, require all law enforcement agencies to take special precautions to insure that law enforcement records and files concerning a child will not be disclosed to any unauthorized person.

22. A child's juvenile court records may be sealed two years after final discharge provided he has not been convicted of a felony or misdemeanor involving moral turpitude, or adjudicated delinquent prior to the filing of the motion to seal the records, and provided there is no proceeding pending seeking such conviction or adjudication.

23. A child's juvenile court records may be destroyed five years after reaching the age of majority subject to the above noted conditions.

24. A person who has been the subject of a delinquency petition shall be notified at the time of discharge of his rights concerning the sealing and destruction of his records.

QUESTIONS AND ANSWERS ABOUT JUVENILE COURT*

1. When is the court date?

   The date for the court hearing is indicated on the appearance agreement which is issued when the juvenile is released from the Detention Home. BE SURE TO BE AT THE COURT ON TIME. Allow plenty of time for parking since the downtown area may be crowded.

2. Where is the court?

   Juvenile delinquency cases are heard by a district judge or a circuit court judge in the County Court House.

3. Who must be present for court?

   The juvenile must be present for court with at least one of his parents or his legal guardian.

4. What happens at court?

   The juvenile and his parents or legal guardian should wait in the hall outside the court or in the lobby of the Family Court offices until called into the courtroom.

   The Judge will then call the name of each juvenile scheduled for court on that day and will ask who is present with the juvenile (mother, father, or legal guardian) and whether the juvenile failing to appear at the specified time will be ordered taken into custody and placed in the Detention Home. If a juvenile is too sick to be present, a parent or the legal guardian should be present in court and bring a doctor's statement that the juvenile is too sick to come to court on that date.

   The Judge will then inform all juveniles before the court of their constitutional rights. Following this, all juveniles and their parents or legal guardians will leave the courtroom and wait in the hall until each juvenile is called into the courtroom one at a time. When a juvenile is called into the courtroom, his parents or legal guardian will enter the courtroom with the juvenile. (While waiting in the hall for the case to be called, it is best not to leave the area since the case will usually be called in only a few minutes.)

*This information also appears in the supplementary packet for the eighth grade.

When a juvenile and his parents or legal guardian enter the courtroom they will be handed a copy of the summons stating the charge of delinquency alleged that the juvenile has committed, unless the summons has been delivered prior to the court date. The Judge will then read the petition stating the charge of delinquency alleged and will ask the juvenile whether he/she wishes to admit or deny the charge. This means whether or not the juvenile did or did not commit the act of delinquency as stated in the petition.

If the juvenile tells the Judge that he/she did commit the act of delinquency stated in the petition, then the Judge will study the report prepared by the probation staff and will usually make a decision at that time.

If the juvenile denies that he/she committed the act of delinquency stated in the petition, the Judge will continue the case to a later date when the petitioner and other witnesses will be subpoenaed to court to testify as to what occurred.

The juvenile and his parents or legal guardian will be notified by subpoena of the date for the adjudication hearing, which is the term used in juvenile court for the trial.

5. What are some frequent dispositions ordered by the Judge in juvenile delinquency cases?

The Judge must consider many factors in making a disposition in a juvenile's case. Two very important factors are:

A. the welfare and safety of the public, and

B. what is in the best interest of the juvenile.

Some frequent decisions include:

A. Dismissal of very minor offenses.

B. Payment of a fine up to $250.00.

C. Probation for some period of time.

D. Confinement in the Detention Home for some period of time.

E. Commitment to a State Industrial School.

F. Certification as an adult to be tried in adult court.

G. Various combinations of the above or other decisions as the case may necessitate.

H. The payment of court cost of $35.00 (plus $2.00 witness subpoena fees if any were issued) is ordered. This is to be paid in cash. Checks may not be accepted.

6. Should the juvenile have an attorney to represent him/her?

This decision must be made by the juvenile and his/her parents or legal guardian. Many prefer to discuss the matter with an attorney and follow his advice. If the juvenile denies the charge of delinquency, an attorney should be secured to represent the juvenile at the time of the adjudication hearing (trial).

JUVENILE DELINQUENCY CASE PROCESS

THIS CHART DISPLAYS THE POSSIBLE STEPS THAT CAN OCCUR IN A JUVENILE DELINQUENCY CASE.

BAILEY CASES

TO THE TEACHER

The following activity is intended to make students aware of the changes that have occurred in the treatment of juvenile offenders. These changes have been effected due to the development of the philosophy which underlies the entire juvenile court concept, i.e., juvenile courts are designed to protect the welfare and best interests of the child by providing treatment and rehabilitative services, rather than through punishment only.

Before beginning the activity, you may want to discuss the information in this section about the present Juvenile Code. (You need to be aware, however, that this same information about the major provisions and questions about the Juvenile Code appear in the eighth grade supplementary packet. Even though your students may have been exposed to this information three years ago, you may still want to review it with them).

To aid in your discussion of the juvenile court philosophy, two specific examples are given.

1. Adult criminal files and records may be open for inspection by prospective employers while those of a juvenile adjudicated as a delinquent due to his/her commission of a criminal offense would not be open for such inspection.

2. A child adjudicated as a delinquent for striking another person and causing bodily injury (which might be assault in the 3rd degree if committed by an adult) may be allowed to remain with his/her parents and be subject to certain limitations and restrictions as imposed by the juvenile court judge, rather than being sentenced to pay a fine or serve a jail term as may be imposed upon an adult.

PROCEDURE

1. Either read the cases aloud or give copies to your students to read.

2. After having read the cases, discuss the following questions.

DISCUSSION QUESTIONS

1. How do you feel about these punishments?

2. Do you think these young people had a fair trial (due process)?

3. If a young person today is charged with a crime, how is the case handled?

4. How do today's courts protect young offenders?

EXTENDED ACTIVITY

The class may make a chart to compare the major differences between the Old Bailey disposition of cases and today's juvenile procedures.

SAMPLES OF CHILDREN'S CASES

TRIED IN OLD BAILEY, LONDON, 1681--1836.*

July 6--9, 1681
William Buckley, a youth (no age given) was charged with murdering an assistant bailiff who was trying to arrest Buckley's master. The boy was found guilty and condemned to death.

****

October 17--19, 1681
Mary Marshall was tried for stealing a curral (jeweled hair ornament) and chain valued at twenty shillings. She was convicted of a felony. Her sentence was reduced to being transported out of England.

****

May 15--16, 1684
Jane Owen was charged with stealing three silver spoons and a silver mustard jar. The value of these items was nine shillings. Facts of the case revealed that Jane had dressed as a boy and was employed by William Hanuay as a "gentlemen's boy." These stolen items belonged to Mr. Hanuay.

Jane was found guilty and sentenced to be burned in the hand.

****

May 20-22, 1686
John Colwel, about ten years of age, was arrested for stealing thirty yards of lemon-colored satin ribbon. Testimony at the trial was limited to the shop's clerk and John who denied the theft. The ribbon in question was not found.

The boy was found guilty and ordered to be whipped.

****

January 15--19, 1690
Nickolas Carter and Giles Webb were tried for taking a beaver hat, valued at three pounds, from the head of William Cummins as he walked along Brumley Street. Nickolas had the hat when arrested. He also had a long record as a pickpocket. Nickolas was found guilty but Giles Webb was acquitted.

Records show that on January 26, Nickolas was hanged.

****

July 11--17, 1735
Mary Wotton, an apprentice in the home of John Eaton, was accused of stealing money from Mrs. Eaton. Mary confessed to taking the money and the court sentenced her to death. Mary was nine years old.

****

July 9--11, 1760
The court found John Drake guilty as charged. He had been indicted for stealing seven shillings. That amount was found in his pocket when caught. He said nothing in his defense.

Judgment was to be branded.

****

January, 1836 (No exact date noted)
James Lynch, age nine, indicted for stealing a handkerchief from Henry Harris. The jury found him guilty. Sentence was seven years transportation.

*Source: Juvenile Offenders for a Thousand Years. Edited by Wiley B. Sanders. University of North Carolina Press, Chapel Hill. 1970.

TWENTY-FOUR HOURS OF LAW

TO THE TEACHER

One of the most fascinating and eye-opening activities you can do is to show how the law affects our lives every minute of the day - from wake-up to bedtime. However to do this thoroughly would probably require volumes of listings so it is suggested an abbreviated activity be used.

PROCEDURE

Start by explaining that the law affects everything in our lives from the time we get up (daylight savings time or Central Standard Time; even the quality of the clock that wakes us up) to the meals we eat (the federal laws governing the quality of meat and enrichment of bread are very detailed). Then ask the students to prepare a list of laws that touch them from the time they wake up to the time they start school. Another list could be compiled for after school to the time they go to sleep at night.

You will probably quickly run out of room for listing but the students will get the idea. Laws do not just involve crime, but exist for almost everything in our lives. Discuss with them why this is so - how it came about (particularly the consumer protection laws) and whether it is necessary. What changes would they make and what would be the effects of these changes?

SECTION V

INFORMATION AND ACTIVITIES ON OTHER RELATED SUBJECTS

OTHER RELATED SUBJECTS

TO THE TEACHER

This section addresses two subjects that senior students may find interesting as well as having practical application to their lives as they approach the "adult world" and begin to accept the challenges and responsibilities of that world.

CONSUMER PROTECTION

The following list of books are on the state adopted textbook list. You may wish to discuss applicable topics on the subject of consumer protection with your students by using one or more of these books as resources.

STATE ADOPTED BOOKS

CONSUMER ECONOMICS

Title	Edition	Date	Grade
Addison-Wesley Publishing Company, Inc.			
BASIC			
OUR ECONOMY: HOW IT WORKS			
Teacher's Guide for above title	1st	1980	9
Amsco School Publications, Inc.			
BASIC			
ECONOMICS FOR EVERYBODY (Hardback)	Rev.	1980	9
SUPPLEMENTARY			
ECONOMICS FOR EVERYBODY (Paperbound)	Rev.	1980	9
Barron's Educational Series, Inc.			
SUPPLEMENTARY			
CONSUMER SURVIVAL BOOK	2nd	1977	9-12
Doubleday and Company, Inc.			
SUPPLEMENTARY			
GETTING WHAT YOU DESERVE (Paper) (Consumer Guide)	1st	1979	7-12

Title	Edition	Date	Grade

Gregg Division, McGraw-Hill Book Company

BASIC

THE AMERICAN CONSUMER Teacher's Resource Guide	2nd	1978	9-12

Harcourt Brace Jovanovich, Inc.

BASIC

THE CONSUMER IN AMERICA	1st	1979	9

OTHER SUGGESTED ACTIVITIES

1) Invite a speaker to address your class(es) (see Using a Community Resource Person which appears in the first section of this packet).

Contact: Office of the Attorney General
Consumer Protection Division
560 South McDonough Street
Montgomery, AL 36104

Telephone: (205) 832-5936
Toll-free: 1-800-392-5658

A representative from this office can explain specific Alabama laws as they relate to general topics of consumer protection.

2) Have students write reports on topics which may be of interest to them. Rather than have general information in the report, you may want to stipulate to the students that they should note the applicable laws or regulations as they apply in Alabama. For example, if a student were to write about contracts and credit, he could include the legal age for such action in Alabama. Your students can write for specific information to the Attorney General's Office, Consumer Protection Division, at the address mentioned above (Suggestion #1).

3) Divide the class into groups of 4 or 5 and have panel discussions on consumer topics.

Some suggested topics for reports or discussion:

1. Advertising Regulations
2. Budgeting
3. Car Buying
4. Consumer Action Groups
5. Consumer Protection Agencies

6. Contracts and Warranties
7. Cooperatives
8. Credit
   - Borrowing Money
   - Credit Cards
   - Establishing Credit
9. Credit Bureaus
10. Economic System in the U.S.
11. Food Controls
12. Government Regulations for:
   - Over-the-counter Drugs
13. Home Buying
14. Inflation
15. Insurance
   - Automobile
   - Health
   - Income
   - Life
   - Property
16. Labor Laws
   - Child Labor
   - Employment Discrimination
17. Professional Services
   - Dental
   - Legal
   - Medical
18. Repairs
19. Saving and Investing Money
20. Selling Merchandise
21. Tenants and Landlords

TRAFFIC REGULATIONS

Although information concerning motor vehicles and traffic is disseminated to students through the Driver's Education course, the subject can also be approached through a law education course.

Many of the consumer education books mentioned above cover topics relating to traffic and safety laws and the possible consequences of violations. In order to make a discussion of those topics relevant to students, it is suggested that the specific Alabama laws and regulations be explained. An excellent way to accomplish this objective is to invite a speaker to address the students.

Possible speakers for consideration are the District or Municipal judge, a representative from the Department of Public Safety (a state trooper), or a representative from a police agency.

You may want to discuss the topics to be covered with your speaker ahead of time (see Using Community Resource Persons which appears in the first section of this packet).

Some topics to consider are:

1. Traffic Safety
   - Racing and possible penalties
   - Recklers driving and possible penalties
   - Driving while under the influence of alcohol or controlled substances (DUI) and possible penalties
   - Fleeing or attempting to elude police officers and possible penalties

2. Driver's Licenses
   - Grounds and Procedures for:
     - Cancellation
     - Suspension
     - Revocation

3. Motorcycles
   - Regulating Laws
   - Equipment

4. Department of Public Safety
   - Role
   - Authority
   - Promulgated Rules

OTHER SUGGESTED ACTIVITIES

As was suggested with the subject of consumer protection, additional activities include having your students either write reports or conduct panel discussions about particular topics for traffic safety and regulations.

SECTION VI

FURTHER ACTIVITIES

SUGGESTED ACTIVITIES
TO USE WITH THE
GLOSSARY OF LEGAL TERMS

TO THE TEACHER

This glossary of legal and judicial terms has been provided for your reference and/or your students' use.

Some of the following suggested activities can be used primarily to teach the definitions of the terms while the other activities will serve to teach word recognition.

Other ways for using these activities are as:

1) an introduction or review for mock trials;

2) a review for vocabulary tests;

3) an introduction for the related activities to the Guide to Alabama Court Procedures.

SUGGESTED ACTIVITIES

1) Divide the students into groups (three per groups is an ideal number). Give the groups a list of the terms with 10-15 words marked. (Different terms should be marked for each group.) Have the groups write a paper using the terms. You can determine the theme/title, or it can be decided by the students. You may want to read the "best" papers aloud to the class.

2) Make flash cards (directions and samples follow the glossary). Divide the class in half and let the groups compete. You may want to let each side take turns or let the students raise their hands. The side who has a student to raise his/her hand first would be allowed to answer.

3) Play Court Lingo with your students (instructions and samples follow the flash card directions).

4) For average and gifted students, use Word Find A. This puzzle does not give a list of the actual words contained in it, but the information tells them the number of words that are involved. (Answer Key is given.)

5) For slower students, use Word Find B, which provides the words contained in the puzzle.

6) Have your students work the two crossword puzzles that are based on the definitions in the glossary. One puzzle covers the titles of law-related and court-related personnel as well as the definitions for persons involved in a law suit. The other crossword puzzle incorporates the legal and judicial terms.

NOTE: You may want to award the "winners" of these games by giving extra points on a low test score.

GLOSSARY OF LEGAL TERMS

A

acquit - to find a defendant innocent in a criminal trial.

allegation - the assertion, declaration or statement of a party to an action made in a pleading, stating what he expects to prove.

appeal - process by which a case is brought from one court for review.

B

bailiff - court attendant whose duties include keeping order in the courtroom and maintaining custody of the jury.

C

capital offense - a felony punishable by death.

case - any proceeding, action, cause, suit, lawsuit, or controversy initiated through the court system by filing a complaint, petition, or indictment.

charge to jury - a judge's instructions to the jury which contains information about the laws which relate to the issues to be decided in a case.

clerk of court - (also referred to as clerk) - office of a court whose principal duty is to maintain court records.

circuit - a geographical jurisdiction of a court composed of one or more counties.

complainant - synonymous with "plaintiff."

complaint (civil) - initial pleading by the plaintiff in a civil case stating the claims against the defendant.

complaint (criminal) - charge that a person had committed an offense.

counsel - an attorney; one who gives advice, especially legal advice.

court - 1) place where justice is administered;
2) judge or judges formally engaged in administering justice.

court administrator (administratrix) - manager of non-judicial affairs of the court.

court reporter - person who records and transcribes the testimony at court sessions.

cross-examination - questioning of a witness in a trial, or in the taking of a deposition, by the party opposed to the one who produced the witness by following direct examination.

D

defendant - the person against whom a lawsuit is started or a crime charged.

deposition - the testimony taken and recorded in an authorized place outside the courtroom.

direct examination - the first interrogation of a witness by the party on whose behalf he is called.

district attorney - a prosecuting official who represents the State in each of its judicial circuits.

due process - constitutional provision which guarantees an accused person a fair and impartial trial.

E

evidence - any form of proof legally presented at a trial through witnesses, records, documents, etc.

exhibit - paper, document or other object received by the court as evidence during a trial or hearing.

F

felony - a crime of a more serious nature than a misdemeanor. Generally, an offense punishable by imprisonment for more than one year.

I

impanel - to organize those persons qualified for jury service.

indictment - written accusation by a grand jury, charging that a person or business allegedly committed a crime.

instruction - direction given by a judge to the jury regarding the law in a case.

J

judge - an elected or appointed public official with authority to hear and decide cases in a court of law.

jury - specific number of people selected as prescribed by law to render a decision (verdict) in a trial.

grand jury - a jury that hears complaints in criminal cases and finds bills of indictment in cases where there is probable cause that a crime was committed.

petit jury - a jury of twelve (or fewer) persons for the trial of a civil or criminal case.

L

law - rules and principles of conduct promulgated by the legislature, court decisions, or local customs.

litigant - one who is engaged in a lawsuit.

litigation - contest in court.

M

misdemeanor - offense less serious than felonies; generally those punishable by fine or imprisonment for less than one year.

O

oath - written or oral pledge by a person to keep a promise or speak the truth.

objection - statement by an attorney taking exception to testimony or the attempted admission of evidence.

opening statement - outline of anticipated proof.

overrule - court's denial of any motion or point raised to the court.

P

parties - persons, corporations, or associations who have brought a lawsuit or who are defendants.

plaintiff - party in a civil suit who files a complaint seeking legal relief.

probable cause - reasonable cause; having more evidence for than against; a reasonable belief that a crime has or is being committed; the basis of all lawful searches and arrests.

prosecution - act of pursuing a lawsuit or criminal trail; the party initiating a criminal suit such as the State of Alabama.

prosecutor (prosecutrix) - public official (district attorney) who performs the function of trial lawyer for the State.

public defender - a person charged by the court to provide defense services to indigent defendants.

R

rebuttal - the introduction of refuting evidence; the attempt to show that statements of witnesses as to what occurred are not true.

redirect examination - follows cross-examination and is exercised by the party who first examined the witness.

respondent - party against whom an appeal is brought in the court of appeals.

S

striking a jury - process of selecting a trial jury where attorneys "strike" or excuse jurors from the trial until only the number needed remains.

suit - any court proceeding in which an individual seeks a decision (see case).

sustain - court's acceptance of any motion or point raised to the court.

T

trial - examination of issues of fact and law in a suit before a court that has jurisdiction over the case.

V

venire - the group of all persons sworn as jurors for a term of court.

verdict - formal decision made by a jury, read before the court and accepted by the judge.

voir dire - the preliminary examination of a juror as to qualifications.

W

witness - person who testifies before a court under oath regarding what he has seen, heard or otherwise observed.

FLASH CARDS

DIRECTIONS

Glue or tape together two 3 x 5 index cards. On one side, print the term. On the other side, print the definition. (A sample is given below.) If you feel it is necessary, you can simplify the definitions.

You can either show the term (side A on the example) and let the students give the definition, or you can show the definition (side B), allowing the students to tell the term. You may want to use both of these procedures together.

J U R Y

(Side A)

Specific number of people selected as prescribed by law to render a decision (verdict) in a trial.

(Side B)

COURT LINGO

INSTRUCTIONS

Write the terms that are listed under the letters COURT (which appear below) on the board. Pass out a blank Court card to each student. (Sample is given on the following page.)

Have your students write any of the terms they choose on their cards under the corresponding letters. They will select five terms under the letters C, O, R, and T and four terms under the letter U.

From your Master Card (which is provided), randomly call out one term under each letter until one student (or more) signals that he/she has covered all the terms in either a vertical, horizontal, or diagonal line on his/her card.

In order for the student to win, though, he/she must be able to define all four or five legal terms which were covered.

C	O	U
allegation	courts	impanel
appeal	cross-examination	indictment
bailiff	defendant	instruction
case	deposition	judge
charge to jury	direct examination	jury
clerk of court	due process	law
circuit	evidence	litigant
complaint (civil)	exhibits	litigation
complaint (criminal)	felony	misdemeanor

R	T
oath	redirect examination
objection	striking a jury
opening statement	sustain
overrule	trial
parties	venire
probable cause	verdict
prosecution	voir dire
prosecutor	witness
rebuttal	

COURT LINGO

C	O	U	R	T
		Free		

COURT LINGO - MASTER CARD

C	O	U	R	T
ALLEGATION	COURT	IMPANEL	OATH	REDIRECT EXAMINATION
APPEAL	CROSS EXAMINATION	INDICTMENT	OBJECTION	STRIKING A JURY
BAILIFF	DEFENDANT	INSTRUCTION	OPENING STATEMENT	SUSTAIN
CASE	DEPOSITION	JUDGE	OVERRULE	TRIAL
CHARGE TO JURY	DIRECT EXAMINATION	JURY	PARTIES	VENIRE
CLERK OF COURT	DUE PROCESS	LAW	PROBABLE CAUSE	VERDICT
CIRCUIT	EVIDENCE	LITIGANT	PROSECUTION	VOIR DIRE
COMPLAINT (CIVIL)	EXHIBIT	LITIGATION	PROSECUTOR	WITNESS
COMPLAINT (CRIMINAL)	FELONY	MISDEMEANOR	REBUTTAL	

WORD FIND A

In the puzzle below, there are 27 court-related words. They can be read in either a forward or backward direction. There are 16 terms that are horizontal, 9 that are vertical, and 2 are diagonal.

Directions: Draw a circle around each court-related word and list it at the bottom of the page.

L B P R O S E C U T O R R E G I S T E R
A A O B J E C T I O N A S G U Q D N E M
B I Y D I S T R I C T A T T O R N E Y E
A L N O N I A T S U S W R A O K R E V N
I I M N O I T A G I T I L N R I E S O O
N F I I L A T I K E T E K I N I N S V I
S F A S L O N N O G Z G E E R S A E E T
T D E P O S I T I O N D V S M T D C R A
R E F R S D A I I U W U E B A N S O R N
U T O A E R L N A J R J G M L E N R U I
C A L R I M P A N E L I N E N M I P L M
T S R S T E M G G M I N S O S T H E E A
I Y T D R V O F A E S N H T A C T U N X
O S H R A E C O R J U R Y D C I R D E E
N T E I P B E N C O U R T A L D O N M T
T R B T R A R S C A S E T O E N F D Y C
X I R V O I R D I R E E N I R I D C R E
M I S D E M E A N O R P G U K O L O T R
O N O I T A N I M A X E S S O R C U N I
N T N E D N O P S E R N C Y N O L E F D

WORD FIND B

The court-related words at the bottom of the page appear in this puzzle. The words can be read in either a forward or backward direction. There are 16 terms that are horizontal (—), 9 that are vertical (|), and 2 are diagonal (/).

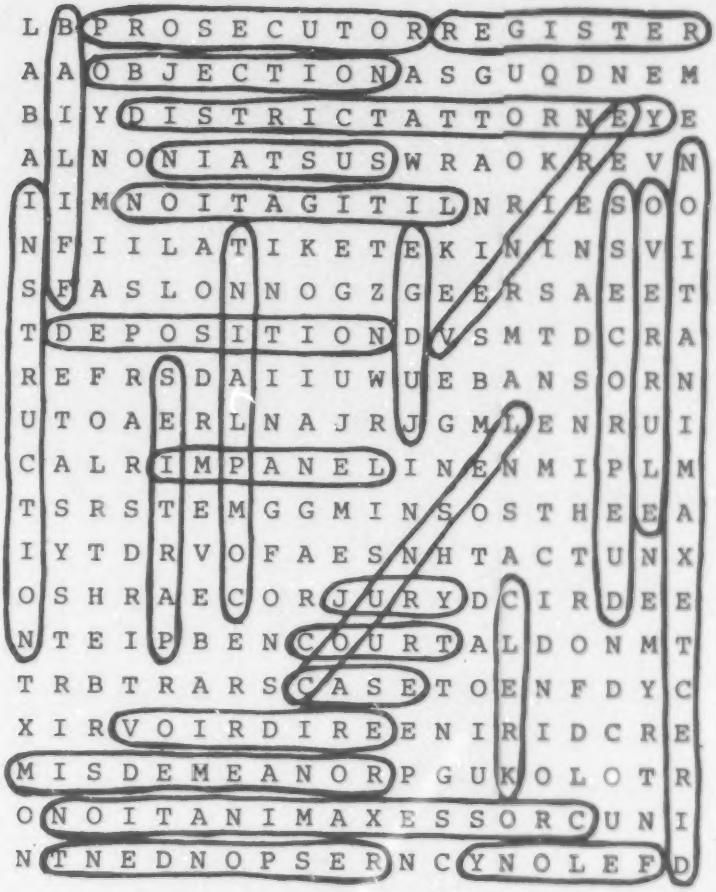
Directions: Draw a circle around each court-related word.

L B P R O S E C U T O R R E G I S T E R
A A O B J E C T I O N A S G U Q D N E M
B I Y D I S T R I C T A T T O R N E Y E
A L N O N I A T S U S W D A O K R E V N
I I M N O I T A G I T I L N R I E S O O
N F I I L A T I K E T E K I N I N S V I
S F A S L O N N O G Z G E E R S A E E T
T D E P O S I T I O N D V S M T D C R A
R E F R S D A I I U W U E B A N S O R N
U T O A E R L N A J R J G M L E N R U I
C A L R I M P A N E L I N E N M I P L M
T S R S T E M G G M I N S O S T H E E A
I Y T D R V O F A E S N H T A C T U N X
O S H R A E C O R J U R Y D C I R D E E
N T E I P B E N C O U R T A L D O N M T
T R B T R A R S C A S E T O E N F D Y C
X I R V O I R D I R E E N I R I D C R E
M I S D E M E A N O R P G U K O L O T R
O N O I T A N I M A X E S S O R C U N I
N T N E D N O P S E R N C Y N O L E F D

bailiff	deposition	judge	prosecutor
case	direct examination	jury	register
clerk	district attorney	litigation	respondent
complaint	due process	misdemeanor	sustain
counsel	felony	objection	venire
court	impanel	overrule	voir dire
cross examination	instruction	parties	

ANSWER KEY TO

WORD FIND A AND B


L B P R O S E C U T O R R E G I S T E R
A A O B J E C T I O N A S G U Q D N E M
B I Y D I S T R I C T A T T O R N E Y E
A L N O N I A T S U S W R A O K R E V N
I I M N O I T A G I T I L N R I E S O O
N F I I L A T I K E T E K I N I N S V I
S F A S L O N N O G Z G E E R S A E E T
T D E P O S I T I O N D V S M T D C R A
R E F R S D A I I U W U E B A N S O R N
U T O A E R L N A J R J G M I E N R U I
C A L R I M P A N E L I N E N M I P L M
T S R S T E M G G M I N S O S T H E E A
I Y T D R V O F A E S N H T A C T U N X
O S H R A E C O R J U R Y D C I R D E E
N T E I P B E N C O U R T A L D O N M T
T R B T R A R S C A S E T O E N F D Y C
X I R V O I R D I R E E N I R I D C R E
M I S D E M E A N O R P G U K O L O T R
O N O I T A N I M A X E S S O R C U N I
N T N E D N O P S E R N C Y N O L E F D

BEST COPY

CROSSWORD PUZZLE

COURT RELATED PERSONS

ACROSS

3. Person who records and transcribes the testimony at court sessions.

7. A person charged by the court to provide defense services to indigent defendants.

8. Person who testifies before a court under oath regarding what he has seen, heard or otherwise observed.

9. One who is engaged in a lawsuit.

11. Manager of non-judicial affairs of the court.

15. An elected or appointed official with authority to hear and decide cases in a court of law.

16. Persons, corporations, or associations, who have brought a lawsuit or who are defendants.

17. A prosecuting official who represents the State in each of its judicial circuits.

19. The feminine term for a public official (district attorney) who performs the function of a trial lawyer for the State.

DOWN

1. The masculine term for a public official (district attorney) who performs the function of a trial lawyer for the State.

2. An attorney; one who gives advice, especially legal advice.

3. Synonymous with "plaintiff."

4. Court attendant whose duties include keeping order in the courtroom and maintaining custody of the jury.

5. Party in a civil suit who files a complaint seeking legal relief.

6. The person against whom a lawsuit is started or a crime charged.

10. Party against whom an appeal is brought in the court of appeals.

DOWN (cont'd.)

11. Judge or judges formally engaged in administering justice.

12. The type of jury that hears complaints in criminal cases and finds bills of indictment in cases where there is probable cause that a crime was committed.

13. The group of all persons sworn as jurors for a term of court.

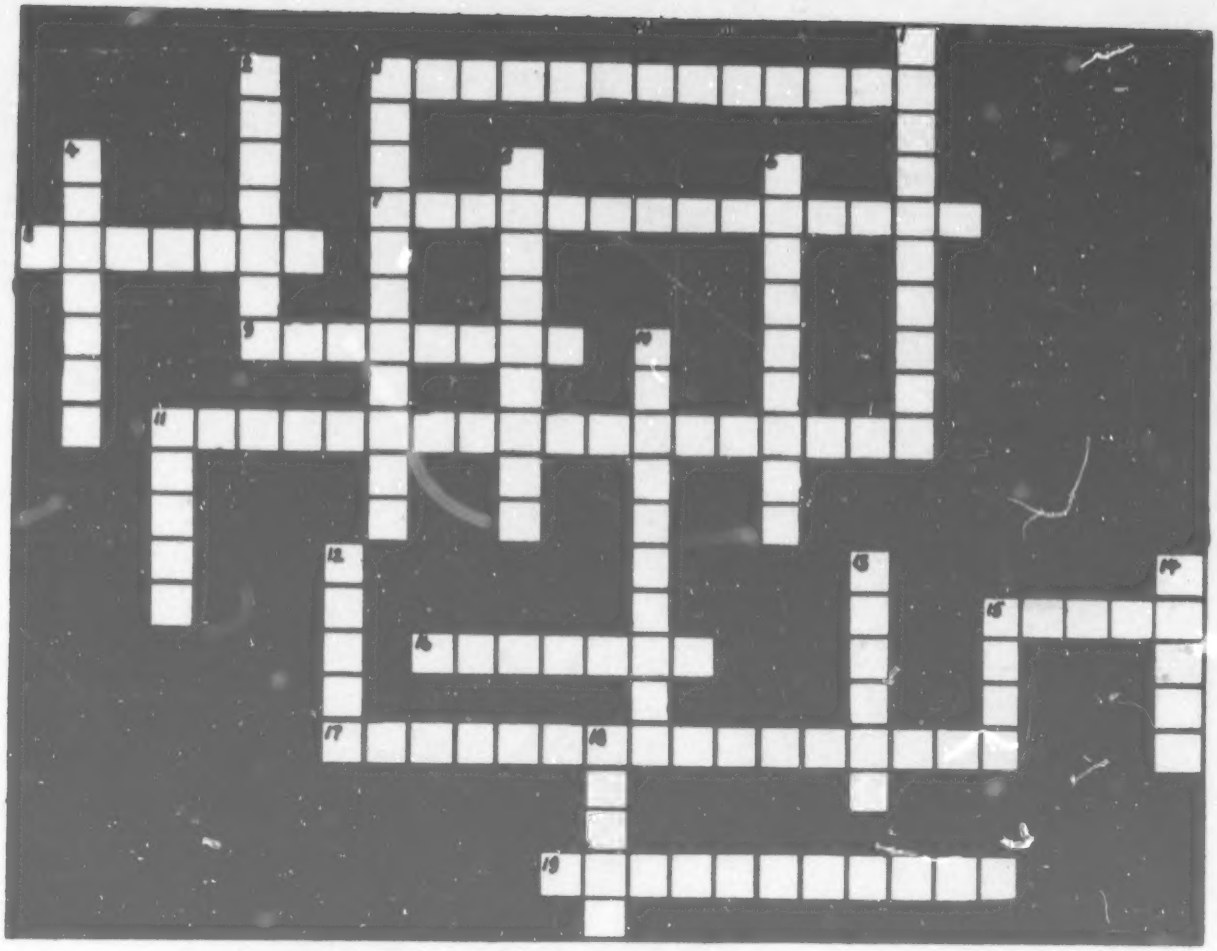
14. The type of jury that is usually composed of 12 persons who decide the verdict of a civil or criminal trial.

15. Specific number of people selected as prescribed by law to render a decision (verdict) in a trial.

18. Officer of a court whose principal duty is to maintain court records.

CROSSWORD PUZZLE

COURT RELATED PERSONS

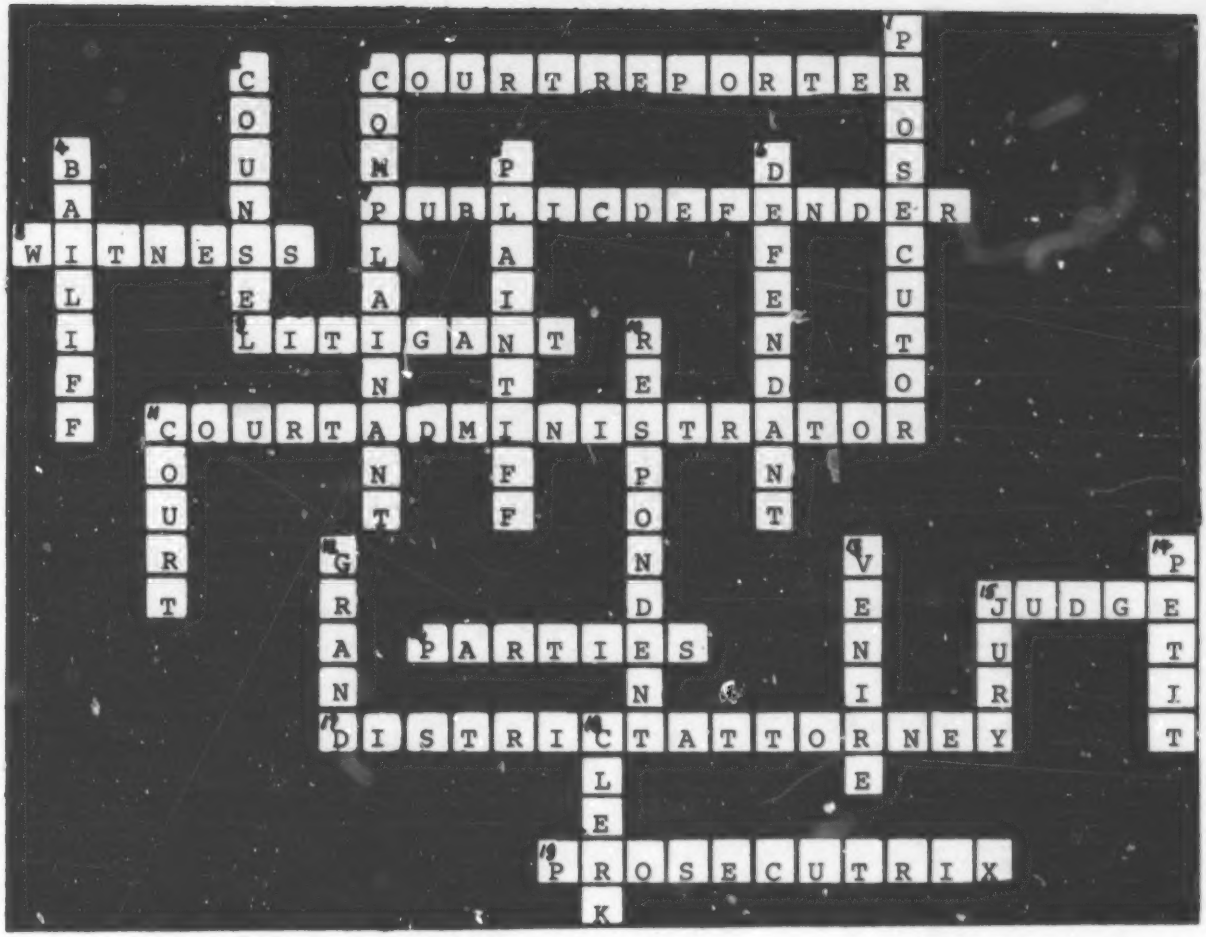


BEST COPY

CROSSWORD PUZZLE

COURT RELATED PERSONS

ANSWER KEY



BEST COPY

CROSSWORD PUZZLE

COURT RELATED TERMS

ACROSS

1. Contest in court.

6. Court's acceptance of any motion or point raised to the court.

10. The preliminary examination of a witness or juror as to qualifications.

12. Formal decision made by a jury, read before the court and accepted by the judge.

14. Written accusation of a grand jury, charging that a person or business committed a crime.

17. The first interrogation of a witness by the party on whose behalf he is called.

20. A crime of a more serious nature than a misdemeanor. Generally, an offense punishable for more than one year.

21. To organize those persons qualified for jury service.

22. A judge's instructions to the jury which contains information about the laws which relate to the issues to be decided.

25. A case, suit, litigation or action -- civil or criminal.

26. The assertion, declaration or statement of a party to an action made in a pleading, stating what he expects to prove.

27. Act of pursuing a lawsuit or criminal trial; the party initiating a criminal suit such as the State of Alabama.

29. Examination of issues of fact and law in a suit before a court that has jurisdiction over the case.

31. Offense less serious than felonies; generally those punishable by fine or imprisonment for less than one year.

32. Initial pleading by the plaintiff in a civil case stating the claims against the defendant, or a charge that a person has committed an offense.

DOWN

1. Rules and principles of conduct promulgated by the legislature, court decisions, or local customs.

2. Direction given by a judge to the jury regarding the law in a case.

3. Testimony taken and recorded in an authorized place outside of the courtroom.

4. Any proceeding, action, cause, suit, lawsuit, or controversy initiated through the court system by filing a complaint, petition, or indictment.

5. Questioning of a witness in a trial, or in the taking of a deposition, by the party opposed to the one who produced the witness.

6. Process of selecting a trial jury where attorneys "strike" or excuse jurors from the trial until only the number needed remains.

7. Any court proceeding in which an individual seeks a decision.

8. To find a defendant innocent in a criminal trial.

9. Any form of proof legally presented at a trial through witnesses, records, documents, etc.

11. Written or oral pledge by a person to keep a promise or speak the truth.

13. The introduction of refuting evidence; the attempt to show that statements of witnesses as to what occurred are not true.

15. Paper, document or other object received by the court as evidence, during a trial or hearing.

16. Statement by an attorney taking exception to testimony or the attempted admission of evidence.

17. Constitutional provision which guarantees that rights will not be affected without notice and an opportunity to be heard.

18. Outline of anticipated proof.

19. A geographical jurisdiction of a court composed of one or more counties.

23. Court's denial of any motion or point raised to the court; to overturn or make a prior case void.

DOWN (cont'd.)

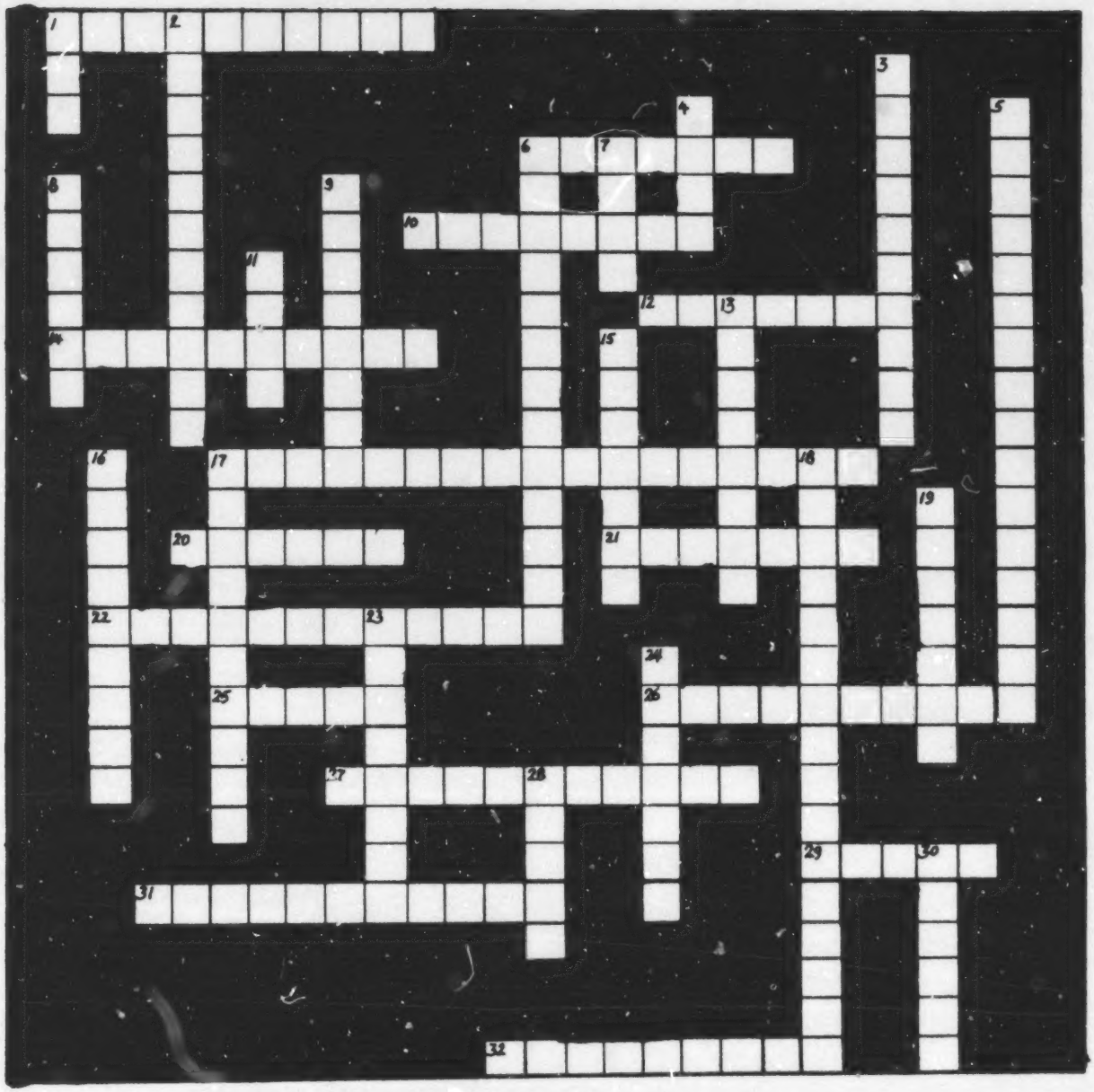
24. The type of felony that is punishable by death.

28. Place where justice is administered.

30. Process by which a case is brought from one court for review.

CROSSWORD PUZZLE

COURT RELATED TERMS

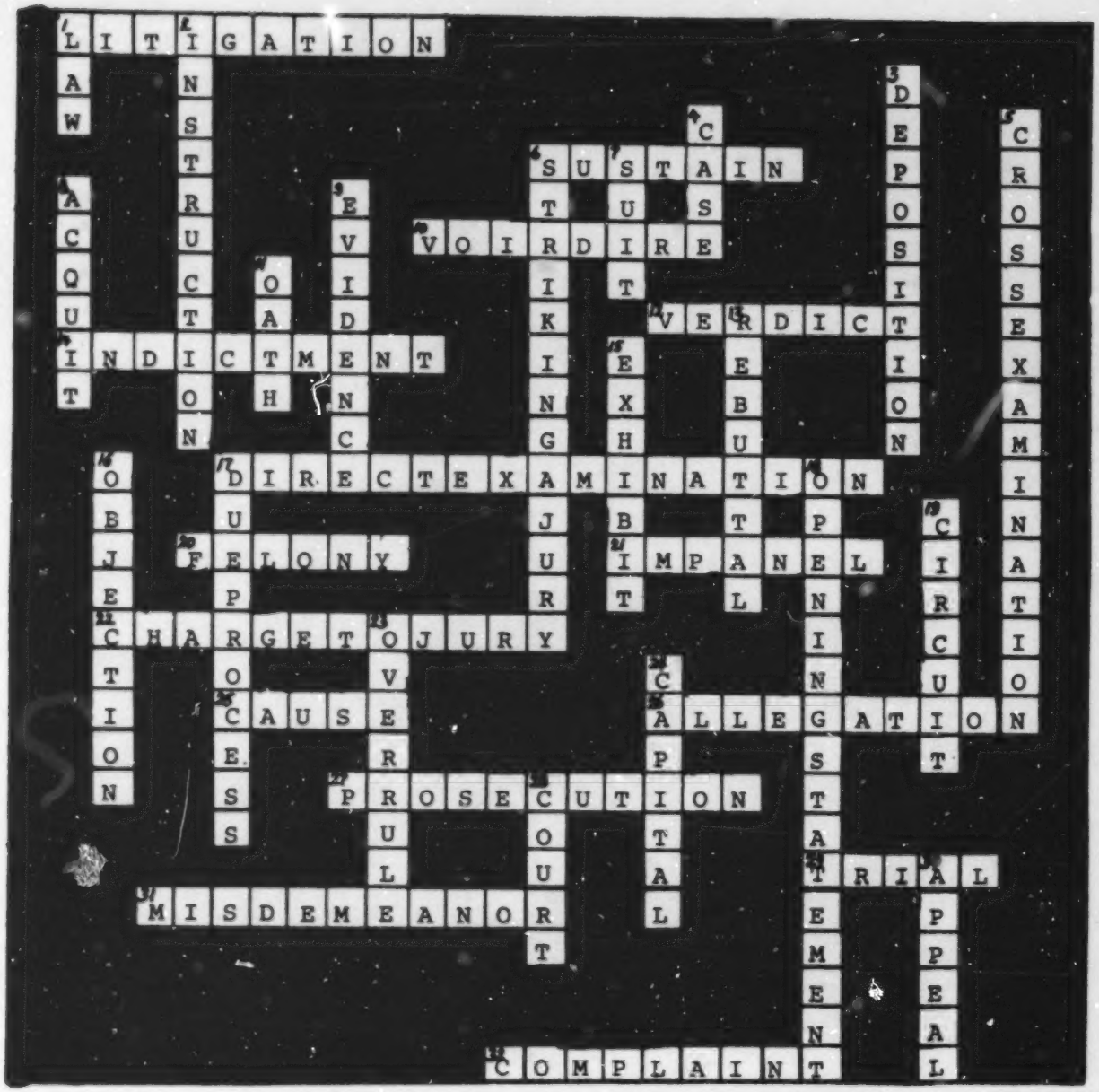


BEST COPY

CROSSWORD PUZZLE

COURT RELATED TERMS

ANSWER KEY



BEST COPY

NEWSPAPER STORIES, CARTOONS

TO THE TEACHER

Local or national newspaper stories and cartoons make excellent subjects for law classes. Discussion of the articles and cartoons can help students develop the ability to analyze data.

The following list gives suggestions for various activities for using newspaper stories, cartoons, and editorials.

1) Have students bring law-related articles or cartoons. Discuss how they are related to law.

2) Have students identify:

   A) the facts in an article; i.e., the person who was arrested;

   B) the issues of the case; i.e., is the person guilty;

   C) any opinions; i.e., someone stating that the person is guilty.

3) Have students analyze whether or not the article is fair to all parties or whether it shows a bias.

4) Have students relate the article to constitutional rights, i.e., the right to a fair trial, the right to be presumed innocent. Discuss.

5) For stories or editorials about important decisions, have students read the actual case. Discuss the accuracy of the article.

   A) Have students analyze the decision of the court.

   B) Students can take either side of the issue and debate.

CASE STUDIES

TO THE TEACHER

On the following pages are examples of court cases and decisions. A list of the names of cases on other topics follows the example case studies. Additional cases may be obtained from the law library at the courthouse, from public libraries, or from law-related education materials (such as the American Bar Association).

Case studies can help students to:

1) determine specific facts by analysis;

2) determine what legal issue is presented in a specific case;

3) determine and defend a solution.

Various approaches may be used. Here are three suggestions:

1. Teacher hands out case with only facts and issues.

   A. Classroom discussion centers on student comprehension and formulation of their own decision.

   B. Court decision is handed out and its reasoning is compared with the students'.

2. Present a case or hypothetical situation to the class. For example, the teacher might present a factual situation about a consumer problem, criminal sentencing, or any topic of controversy.

   A. Ask students to identify facts and issues.

   B. Initiate a discussion of the issues in carefully selected questions.

   C. Use question and answer technique to clarify issues. Play the "devil's advocate," taking the other side of each student's response.

   D. Get other students to respond to questions by asking for someone to take the other point of view.

   E. Begin to list various analyses and points of view.

   F. Stimulate discussion by asking for analogies to the situation or how solutions suggested would work if applied to other cases.

3. Role-Playing Approach - Divide class into groups of three. Have participants in each group decide upon a role, such as judge, plaintiff or defendant.

   A. Using the following descriptions, read the brief statements about each role.
      1. Judge - The judge must see that both sides have a fair chance to make a presentation.

      2. Plaintiff - This person has accused the defendant of doing or not doing something in violation of the law. This person speaks first.

      3. Defendant - This person has been accused by the plaintiff. He/she has been summoned into court (and in many cases probably against his/her will). He/she listens to the accusation and then either tries to prove it untrue or gives reasons to justify his/her action.

   B. Select a case and distribute facts of the case to all the groups. Do not disclose the issue or decision of the case.

   C. Have students role-play within each group. Plaintiff speaks first, then defendant. Judge may ask questions before he/she makes a decision (giving the reasons).

   D. Have judges explain decisions to whole class.

   E. Read issue and decision from the case. Rotate roles and repeat process twice with new case each time. This will give the students the opportunity to play each role.

SEARCH AND SEIZURE

Case of Terry v. Ohio (1968)

A Cleveland detective named McFadden observed two men, Terry and Chilton, proceed back and forth along an identical path, stopping to stare inside the same store window. They did this no less than two dozen times. Detective McFadden suspected the pair of casing the store for a possible armed robbery. McFadden approached the pair, identified himself, and asked their names. The men mumbled an obscene remark, whereby McFadden spun Terry around and "patted down" his outside clothing. Then the detective located a pistol in Terry's outside coat pocket, but he was not able to remove it. He then ordered both men inside the store where he "patted down" the other man and also found a pistol on him. The men were taken to the police station and were charged with carrying concealed weapons. The attorney for Terry said the weapon was unlawfully obtained evidence.

DISCUSSION QUESTIONS FOR TERRY v. OHIO 1968

1. Did the policeman have the right to stop the men? To frisk them? Would it make any difference if the two men walked by the store three times apiece? Once apiece?

2. List the factors which might have indicated to the policeman that there was "reason to suspect of an unlawful plan." List the factors which may have led the policeman to believe that there was "reasonable suspicion of danger."

3. Is there any remedy if an individual feels that he has been unlawfully stopped and harassed by the police? Do you think only individuals with something to hide would refuse to allow the police to stop them? Frisk them? Search their belongings?

4. Is there a difference between "stop and frisk" and "search and seizure"? If so, what are the differences?

COURT'S DECISION - TERRY v. OHIO 1968

1. The court reviewed the meaning of unreasonable searches and seizures as it related to the Fourth Amendment. It held that where a police officer observes unusual conduct that leads him to conclude, in view of his experience, that the person or persons he is confronting may be armed and considered dangerous, and where in the course of investigating this behavior he identifies himself and makes reasonable inquiries, he is entitled to protect himself and others in the area to conduct a carefully limited search of the outer clothing in an attempt to discover weapons that might be used to assault him.

2. The judge would have to determine if the weapons were seized in a "reasonable" search and "patdown" as described above. If the search is reasonable, any weapons seized may be used as evidence against the person from whom they were taken.

SEARCH OF STUDENTS' LOCKER

Case of Jack Roberts (Based on Stein v. Kansas, 1967)

Oakview High School, according to the principal, had very few "bad eggs", but Jack Roberts was one of them.

In the last month, drug traffic at the high school had been on the increase. One person on the "suspect list" was Jack Roberts. On a certain afternoon, the principal and two police officers searched Jack's locker. They did not have a warrant to do this, but they did allow Jack to be present when the locker was searched. Jack was arrested on the spot for possessing illegal drugs.

Jack claimed his constitutional rights had been violated because the principal failed to obtain a search warrant. The principal contended that he did not need one because the locker belonged to the school, not to Jack. "The locker was given to you on a temporary basis," claimed the principal, "and you don't pay for a locker so I have the right, along with my two vice principals, to search your locker if we suspect you're keeping something unlawful inside of it!"

DISCUSSION QUESTIONS FOR JACK ROBERTS

1. Do you believe Jack had his constitutional rights violated by the search of his locker? Why?

2. Was the search "reasonable" in your opinion?

3. If you were a judge how would you decide this case?

COURT'S DECISION - JACK ROBERTS

(BASED ON STEIN v. KANSAS, 1967)

This case was based on Stein v. Kansas. The judge ruled that school authorities do have the right to enter a student's locker without the student's permission if they suspect the students are concealing something illegal. The judge further said: "As long as the student does not pay a student locker fee, the locker is just used temporarily by the student and still belongs to the school." It is always a good idea to have the student present when a search does take place so the student cannot say later that the items in question were "planted" in the locker by school authorities.

RIGHTS OF JUVENILES*

Case of Gerald Gault (1966)

Gerald Gault, fifteen years old, was on the receiving end of a complaint issued by Mrs. Cook, who claimed Gault telephoned her and made obscene and indecent remarks. This is a violation of state law. Gault was taken into custody and was scheduled for a hearing at a later date. Gerald's parents were not notified of the date until two days before the hearing.

At the hearing, Gault did not admit to the charges but was found to be delinquent. He was sent to the State Industrial School for the remainder of his minority. The hearing itself was conducted in a very informal manner. Gerald did not have an attorney present, nor was the complainant, Mrs. Cook, present. Prior to his charge, Gerald was on probation as a result of being in the company of another boy who had stolen a wallet. The judge found Gault delinquent because "he was habitually involved in criminal matters." Under the state law, a juvenile in Arizona may not appeal juvenile court decisions. Gault claimed he was denied due process of law and should be entitled to the same constitutional rights as an adult. The State of Arizona contended that because Gerald was not of age, his conduct was not actually recorded as a crime and no felony arrest would go on his record, therefore, he should not have the same constitutional rights as someone charged with a crime.

*This case study appears in the supplementary packet for the eighth grade. Your students may be familiar with it.

DISCUSSION QUESTIONS FOR CASE OF GERALD GAULT (1966)

Questions:

1. Why is there a separate set of laws and legal processes for juveniles? Is this a good idea? Should juveniles have the same rights as adults? Should juveniles have the same responsibilities? Should they be subject to the same punishment?

2. Do you think it important that Gerald's parents be notified of all action taken in the case? What if Gerald did not want his parents involved? Should Gerald have the right to be represented by an attorney at the hearings? What difference would this make?

3. Do you think that Mrs. Cook, the complainant, should be present at the hearings? What if she were too embarrassed to testify? Should Gerald be forced to be a witness at this proceeding?

4. Would it make any difference if all that could happen to Gerald was a serious reprimand? Do you think that the sentence he received was fair?

COURT'S DECISION FOR CASE OF GERALD GAULT (1966)

This was a landmark case for juvenile offenders. The United States Supreme Court ruled that the State of Arizona denied Gerald Gault his constitutional rights of due process of law. He should have had the right to have an attorney present, and the right to confront his witnesses. Since the Gault case in 1966, juveniles are now entitled to the same rights of due process (except a jury trial) as adults.

FREEDOM OF SPEECH*

Case of Tinker v. Des Moines (1969)

One day in 1967, Mary Tinker and her brothers wore black arm bands to their high school classes in Des Moines, Iowa, to show their opposition to the war in Vietnam. The Tinkers firmly believed that the United States should not be fighting there. During the course of the school day, the Tinkers went about their school work quietly. Though some students commented on the bands, there was no disturbance. Later in the day, the Tinkers were told they must take off the black arm bands because a school regulation, adopted only two days earlier, forbade such symbolic protest. If they refused to take off the bands, the principal told them, they would be suspended from school and sent home. The Tinkers did not comply with the rule. They filed a lawsuit against the school district, arguing that wearing arm bands to protest the war was protected under the First Amendment, which guarantees free speech.

*This case study appears in the supplementary packet for the eighth grade. Your students may be familiar with it.

DISCUSSION QUESTIONS FOR TINKER v. DES MOINES (1969)

1. Does the free speech clause of the First Amendment provide students the same rights as other citizens? If not, what special limitations apply in the schools? Why are such limitations imposed?

2. Do students at all levels of education, i.e., elementary, secondary, college, have the same rights under the First Amendment? If not, what are the reasons for these differences? Is this fair? Is this equitable?

3. The wearing of armbands has been referred to as "symbolic speech." What does this mean? What is the difference between symbolic speech and pure speech? Should each be protected equally under the First Amendment?

4. What relevance is the principals' rule which prohibited the wearing of arm bands? Does it matter that this rule was made in anticipation of the student's action? What if the school passed a regulation forbidding students to wear political campaign buttons?

5. How do you think this case was resolved?

COURT'S DECISION FOR TINKER v. DES MOINES (1969)

Tinker v. Des Moines (1969)

1. The United States Supreme Court ruled in favor of the Tinkers. The court held that students could not be denied freedom of expression simply because they were young or in school. There was no evidence that wearing arm bands had disrupted the school. This case is important for several reasons. The court held that "speech" under the First Amendment included insignia or symbolic speech as well as spoken expression. While no words were actually spoken, the Tinkers conveyed their feelings to students and teachers just as clearly as if they had voiced their opinions aloud. In short, their message was protected by the First Amendment, not the particular form of expression.

2. There are other actions that are symbolic in nature; some are protected by the First Amendment; others are not. When David O'Brien burned his draft card in Boston, his actions were not protected by the Constitution. Defiling the American flag as a protest also is not considered to by symbolic free speech.

WATERGATE TAPES CONTROVERSY

On July 23, 1973, Watergate Special Prosecutor, Archibald Cox, acting on behalf of the grand jury, caused to be issued a subpoena to the President of the United States, Richard M. Nixon, from the United States District Court. The subpoena required the President of the United States or an assistant to produce for the grand jury certain tape recordings and documents. The President complied with subpoena insofar as it related to two documents, but otherwise refused to comply with the subpoena's directive.

The grand jury then instructed Special Prosecutor Cox to apply for an order requiring production of the recordings. The Special Prosecutor petitioned the court for an order directing the President's lawyer to tell the court why he did not have to comply. Subsequently the court ordered the President or any appropriate official to show cause "why the documents and objects described in (the subpoena) should not be produced as evidence before the grand jury". Arguments for both sides were then presented and Judge Sirica decided that the President must provide the tape recordings for his inspection. On appeal, this order was upheld by the United States Court of Appeals.

President Nixon then suggested a compromise: he would select an individual (Senator John C. Stennis, (D) Mississippi), to listen to the recordings in order to authenticate an edited summary which would be made available to the grand jury and the Senate Watergate Committee. Senators Sam J. Ervin (D-N.C.) and Howard H. Baker (R-Tenn.) were said to have agreed to the compromise (although this issue is unclear). Special Prosecutor Cox felt that the court order, as issued, should be obeyed and refused to accept the compromise.

President Nixon subsequently sought to have Special Prosecutor Cox discharged. As a result of this action, Attorney General Elliott L. Richardon resigned and Deputy Attorney General William R. Ruckelshaus was discharged for refusing to obey this order. Robert A. Bork, the Solicitor General of the United States, then became acting Attorney General and carried out the President's orders. The President then abolished the office of the Special Prosecutor and transferred the duties of the office to the Department of Justice.

A substantial number of Americans responded with shock and concern to the President's action. Partly as a result of this reaction, the President subsequently agreed to comply with the court order in regard to the tape recordings, and reinstated the office of Special Prosecutor.

BEST COPY AVAILABLE

DISCUSSION QUESTIONS FOR WATERGATE TAPES CONTROVERSY

1. Of what relevance are the constitutional doctrines of "separation of powers" and "checks and balances" to this case? Should the judicial branch of the government have the power to demand that the President produce for their inspection items in his possession?

2. A number of individuals have accused the President of "acting above the law" in regard to the Watergate affair. Do you agree or disagree with this statement? Give examples supporting your position.

3. President Nixon has stated, "I follow the example of a long line of my predecessors as President of the United States who have consistently adhered to the position that the President is not subject to compulsory process from the court." What does this mean? To which events in our history is the President referring?

4. How important is it that the President be assured that his written and oral communications with others be strictly confidential? In which circumstances, if any, should the President be forced to reveal such communications? Is the need to maintain such confidentiality more important than the need to obtain evidence of possible wrongdoing? Give examples of other situations in which communication between individuals should be "privileged."

CASES FOR FURTHER STUDY

TO THE TEACHER

The following examples offer cases for further class discussion. During the discussion, the legal issues of the case should be identified.

1. In 1953 a panel truck crashed into another car and three people were killed, the driver of the truck surviving. The police found an almost empty bottle of whiskey in the truck and smelled whiskey on the driver's breath. While he was unconscious, a sampling of his blood was drawn off and tested. On the basis of the test, which indicated a heavy alcohol content, he was convicted of manslaughter. In light of the Rochin decision, was the evidence illegally obtained? Explain.

2. A man confessed to a murder, after having been questioned by police for thirteen hours. There was some evidence that the confession was obtained by force and trickery although there seems little doubt that the man was guilty. Should the confession be excluded on the ground for permitting an obvious lawbreaker to go free? Why or Why not?

3. A man on trial for murder in California refused to take the witness stand. He was afraid his previous criminal convictions would be disclosed to the jury if he was forced to answer questions. He was convicted, after the prosecuting attorney told the jury that his failure to take the stand to deny evidence offered against him was in itself evidence of guilt. He appealed to the Supreme Court in 1947 on the ground that his rights under the Fifth Amendment had been violated. How would you have decided had you been on the jury?

4. A bootlegger was convicted in the state of Washington in the 1920's on the basis of evidence obtained through wiretapping. Wiretapping itself was illegal in the state of Washington. Did the admission of wiretap evidence at the trial compel the accused to be "a witness against himself"? Did the wiretapping constitute illegal "search and seizure"? Should such evidence always be excluded from the courts?

OTHER TOPICS FOR CASE STUDIES

Coerced Confession
Stein v. New York, 346 U.S. 156

Conscientious Objectors
Gillette v. U.S., 401 U.S. 437 (1971)

Discrimination (Education)
Green v. County School Board, 391 U.S. 430 (1968)

Discrimination (Employment)
Griggs v. Duke Power Co., 401 U.S. 424 (1971)

Double Jeopardy
Benton v. Maryland, 295 U.S. 784 (1969)

Due Process and Criminal Prosecution
Jencks v. U.S., 353 U.S. 657 (1957)

Due Process and Privacy
Doe v. Bolton, 410 U.S. 179 (1973)

Due Process and Self-Incrimination
Adamson v. California, 332 U.S. 46 (1947)

Freedom of Association
Connell v. Higginbotham, 403 U.S. 207 (1971)

Freedom of Speech
Branzburg v. Hayes, 408 U.S. 665 (1972)

Sex Discrimination
Sail'er Inn v. Kirby, 485 p. 2nd 529 (Calif., 1971)

Sunday Laws
Sherbert v. Verner, 374 U.S. 398 (1963)

SUGGESTED ACTIVITIES TO BE USED WITH THE

GUIDE TO ALABAMA COURT PROCEDURES

TO THE TEACHER

Here are four sample activities that have been developed based on the material from the Guide to Alabama Court Procedures. The first three activities (Group Work on Alabama Courts, Case Filing Jurisdiction, and charts) can be used in teaching specific topics while the fourth sample activity (Courts of Limited Jurisdiction) can be used as a review.

The material from the Guide as well as any other appropriate information should either be copied for the students to read or should be discussed before using these suggested activities.

TEACHER DIRECTIONS FOR THE ACTIVITIES

Group Work on Alabama Courts - Divide the class into seven groups. Each group should collect the information and present it to the class for one of the seven courts in Alabama (Municipal, Probate, District, Circuit, Court of Civil Appeals, Court of Criminal Appeals, and the Alabama Supreme Court). A student worksheet for this activity follows.

Case Filing Jurisdiction - After a discussion of the jurisdiction of the various courts, this worksheet can be used. You may want to preview it to make sure you have discussed the courts' jurisdictions in enough detail. The student worksheet and answer key (with explanations) follow.

Charts* - These charts can be used with the overhead projector as a class activity, or they can be copied and handed out as an individual assignment. Samples follow.

Courts of Limited Jurisdiction - The student activity and answer key provide an example of a review activity. You may wish to continue this activity by outlining the information for the other levels of court.

*Because eighth grade teachers have access to the Guide as a resource material, be aware that your students could be familiar with these charts.

GROUP WORK ON ALABAMA COURTS

Directions: Complete this worksheet for the assigned court.

Type of court: _____

_____

Number of courts of this type: _____

_____

Jurisdiction: _____

_____

Number of judges: _____

_____

Length of terms of judges: _____

_____

Who appoints judges: _____

_____

Provisions for appeals: _____

_____

Resource: Guide to Alabama Court Procedures

CASE FILING JURISDICTION

Directions: Decide in which court or courts the following cases would be filed. Choose from Circuit, District, District - Small Claims Division, Municipal, and Probate. Write your answers in the blanks beside the questions.

_____1. Defendant has been indicted by the Dallas County grand jury for robbery and murder. The case is set for trial on July 10, 1981, in what court?

_____2. Mr. Brown (plaintiff) claims that Mr. White (defendant) executed and delivered a promissory note to Mr. Brown in the amount of $10,000, but has failed to pay the note. Mr. Brown sues Mr. White for $10,000 and demands a jury trial. In what court will this case be filed?

_____3. On August 1, 1980, plaintiff and defendant entered into a written contract to convey real property in Montgomery County, Alabama. Plaintiff offered to pay the purchase price of $48,500 to defendant and requested a conveyance of the real property. Defendant refused. Plaintiff demands judgment that defendant be required to specifically perform the contract and demands damages. What court will hear this case?

_____4. A state trooper stops Mr. Smith on county road 10 in Talladega County for reckless driving. Mr. Smith must appear before Judge Bentley. Which court has jurisdiction over the case, District or Municipal?

_____5. Bob was arrested by a police officer in the city limits of Mobile for running a stop sign. Bob must appear in court on Monday. Where will he go to court?

_____6. Mrs. Jackson is the executrix of her recently deceased brother's will. The will must be filed in which court?

_____7. Mary, age 19, and Carol, age 20, were arrested by a police officer for stealing a purse, costing $18.00. They were charged with shoplifting. Which court will adjudicate this case?

_____8. Mary Ann bought a radio from Sears last spring and charged it to her account. She is now five payments behind, and Sears has filed a claim to recover their money. In which court did Sears file the claim?

_____9. On or about May 5, 1980, upon a public highway in Clanton, Chilton County, Alabama, the defendant negligently caused or allowed a motor vehicle to collide with a motor vehicle occupied by the plaintiff. As a consequence of the defendant's said negligence, the plaintiff was caused to suffer the following injuries and damages: a broken leg, a broken arm, the loss of two teeth and plaintiff was unable to work for six weeks.

_____ A. The plaintiff demands judgment against the defendant in the sum of $6,410. Which court will hear the case?

_____ B. If plaintiff only demands $4,000 and no jury trial, which court would hear the case?

_____10. Bill Bailey sold his house to Mike Hudson last week. The deed must be filed in which court?

_____11. Robert was arrested along with his older brother for murdering an elderly couple. Robert, a juvenile, has been certified as an adult to stand trial for the crime. Which court will hear the case?

_____12. Ms. Ima Pigg does not like her name and has decided to change it. Which court has jurisdiction over this matter?

_____13. John (defendant) owes Pete (plaintiff) $120 for money lent by Pete to John on January 18th to buy speakers for his tape player. He refuses to pay Pete back. Which court can Pete file a claim to recover his money?

_____14. Honest Abe has committed a felony and wants to plead guilty. Which court will accept his plea?

_____15. Pauline Plaintiff, representing many passengers injured in a recent plane crash, seeks to bring a class action suit in a state court. Which court can hear her case?

CASE FILING JURISDICTION

ANSWER KEY

COURT	REASON
1. Circuit	All felony cases are prosecuted in Circuit Court. (If the defendant had decided to plead guilty before the trial date, his plea would have been heard in District Court.)
2. Circuit	There are two reasons why this case would be heard in Circuit Court: 1) the amount of money involved. (District Court can only handle civil cases involving $5,000 or less); and 2) the jury demand (there are no juries in District Court).
3. Circuit	The amount of money involved puts this case in Circuit Court.
4. District	State troopers have jurisdiction all over the state, but they are usually assigned to a territory by the Department of Public Safety. When they write a traffic ticket, they file it with the District Court of that particular county.
5. Municipal	Police officers only have jurisdiction to make an arrest (or give a ticket) within the city limits or municipality where they work. Their tickets are then filed in the Municipal Court.
6. Probate	Wills are always handled in Probate Court.
7. Municipal	This shoplifting incident would be a misdemeanor (theft of property in the 3rd degree) because of the amount of money involved (less than $25). (However, if the women had stolen a diamond ring that cost over $1,000, the crime, theft of property in the 1st degree, would be a class B felony, and felony cases are prosecuted in Circuit Court.)

Case Filing Jurisdiction
Answer Key

COURT	REASON
8. Small Claims Division of District Court	Corporations can now file against individuals in Small Claims Court for amounts involving $500 or less.
9. A. Circuit	The amount involved is over $5,000.
B. District	The plaintiff does not want a jury trial, and the amount involved is less than $5,000. (If the plaintiff had demanded $4,000 and a jury trial, the case would be filed in Circuit Court because there are no juries in District Court and because Circuit and District courts have concurrent jurisdiction in civil cases involving amounts up to $5,000.)
10. Probate	Deeds are always handled in Probate Court.
11. Circuit	Once a juvenile is certified as an adult, the case is sent to the adult court having the jurisdiction. Murder is a felony, and felony cases are prosecuted in Circuit Court.
12. Probate	Name changes are handled in Probate Court.
13. Small Claims Division of District Court	Civil cases involving $500 or less are usually handled in Small Claims Court. (If the plaintiff had wanted to hire a lawyer and have a jury trial, the case would be filed in Circuit Court.)
14. District or Circuit	District: After a person has been arrested and if he wants to plead guilty, then his plea would be heard in District Court (District Courts can accept felony guilty pleas.) Circuit: If a person who was arrested for committing a felony has been indicted by the Grand Jury, that felony case would go to Circuit Court. So if this person is ready to go to trial in Circuit Court, but he decides to plead guilty, then that Circuit Court could take his plea.

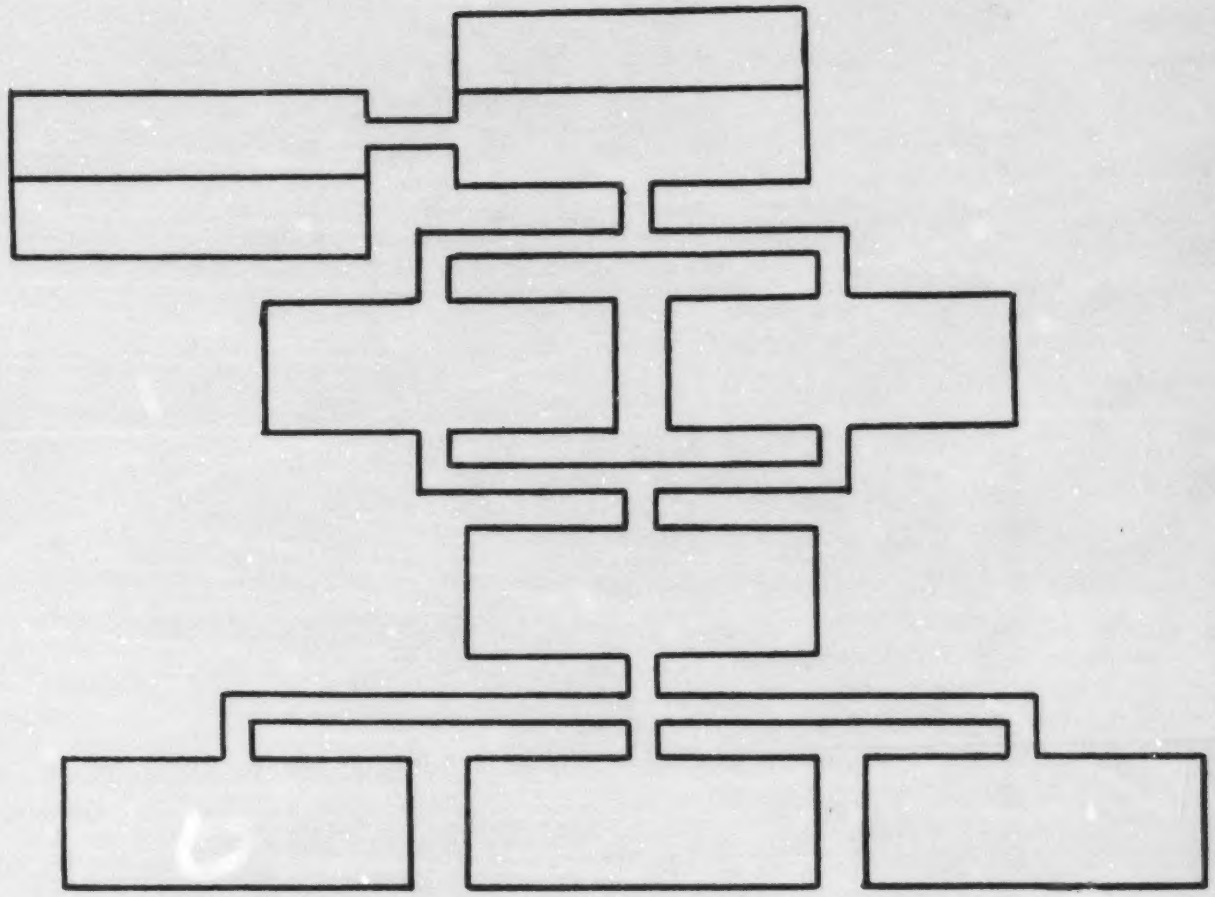
MICROFILMED FROM
BEST AVAILABLE COPY

Case Filing Jurisdiction
Answer Key

COURT	REASON
15. Circuit	Class action suits can only be filed in Circuit Court.

ALABAMA COURT SYSTEM

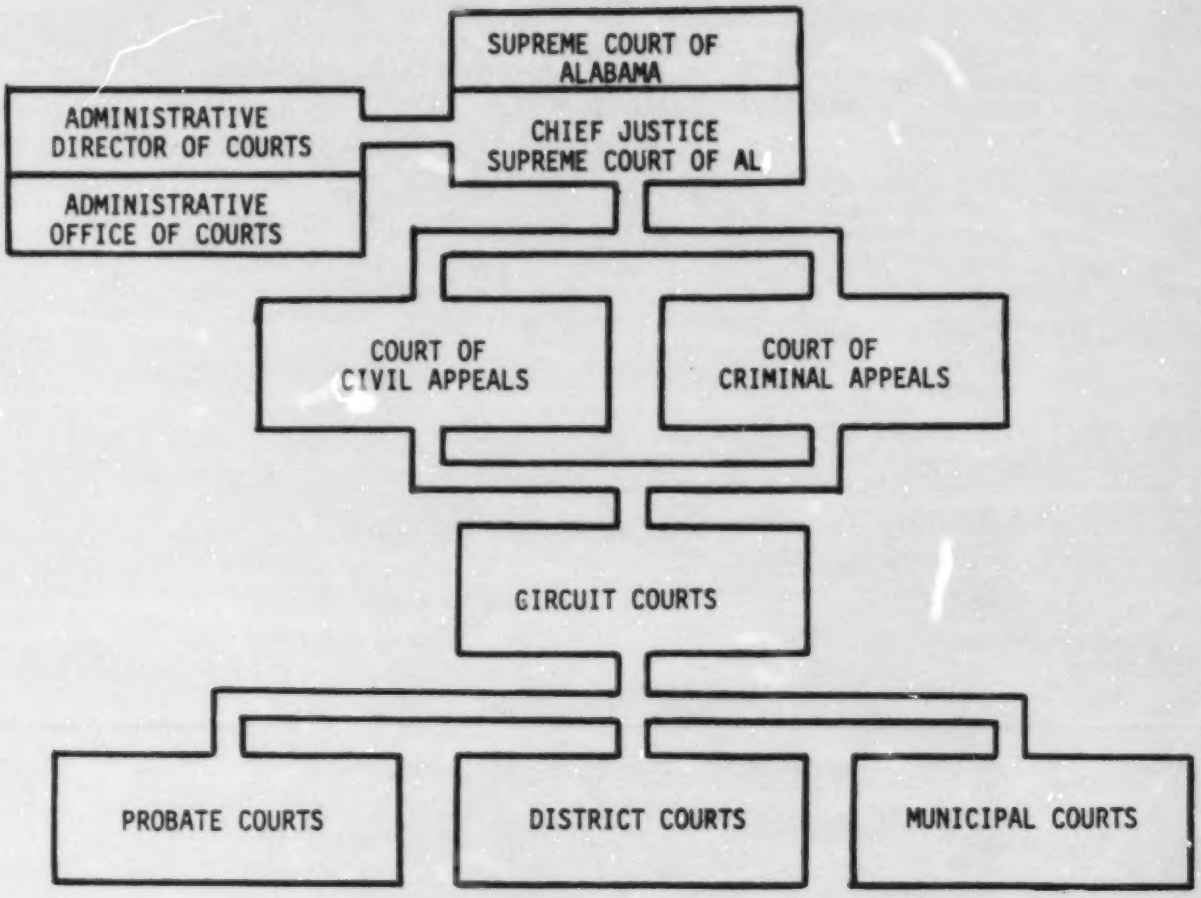
Directions: Fill in the chart with the appropriate courts.



Resource: Guide to Alabama Court Procedures

ALABAMA COURT SYSTEM

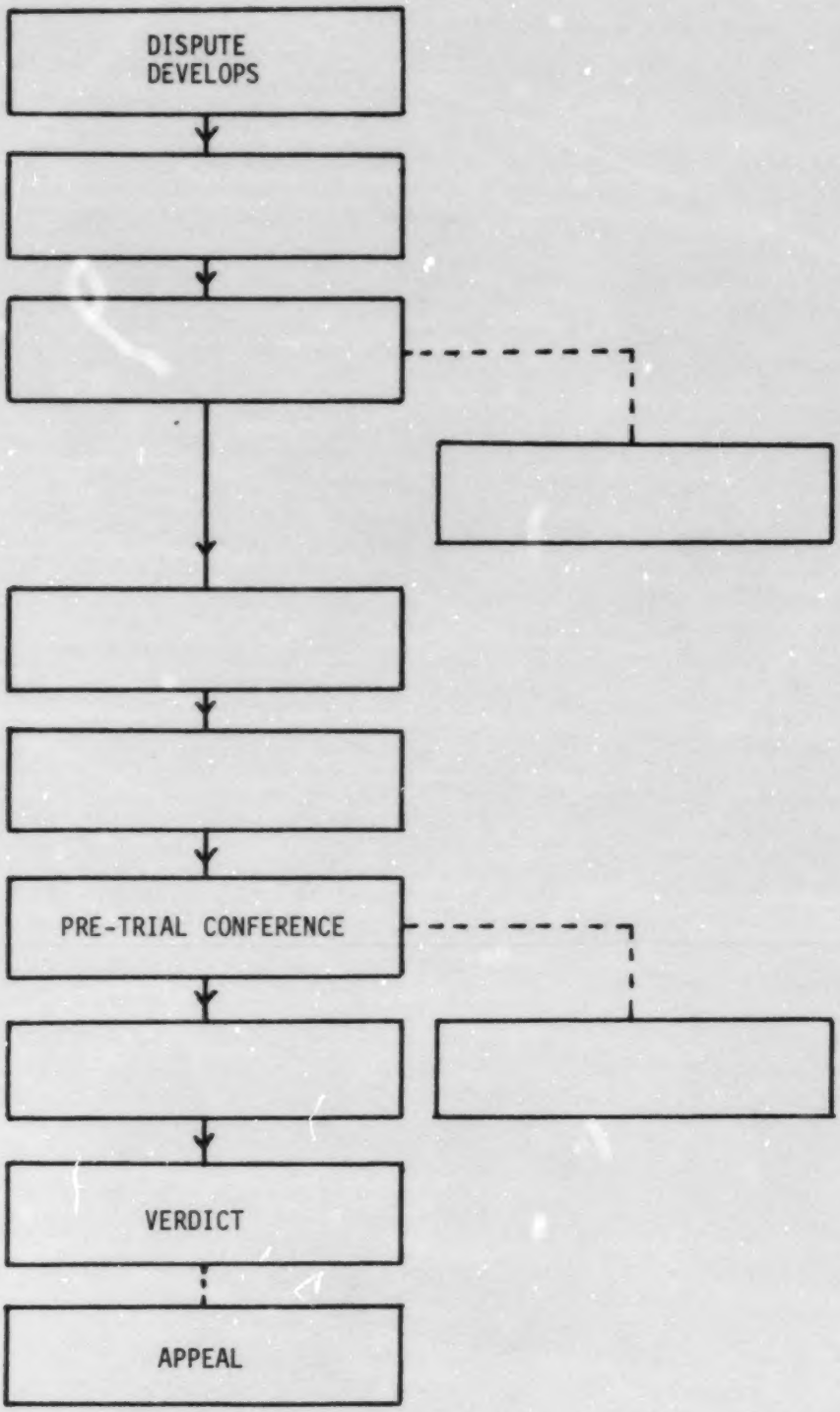
ANSWER KEY



Resource: Guide to Alabama Court Procedures

ALABAMA CIVIL CASE PROCESS

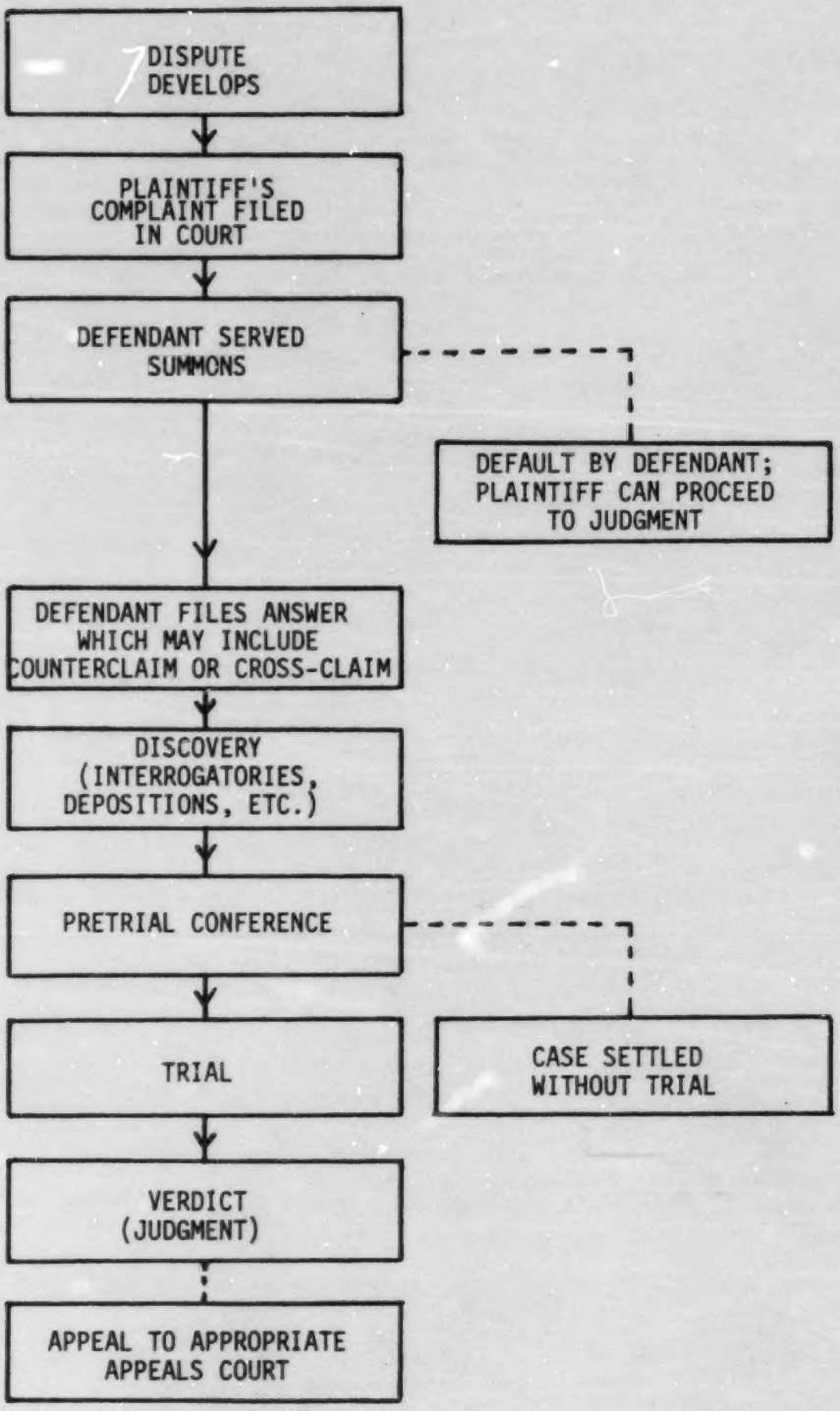
Directions: Fill in the missing steps for a civil case process.



Resource: Guide to Alabama Court Procedures

ALABAMA CIVIL CASE PROCESS

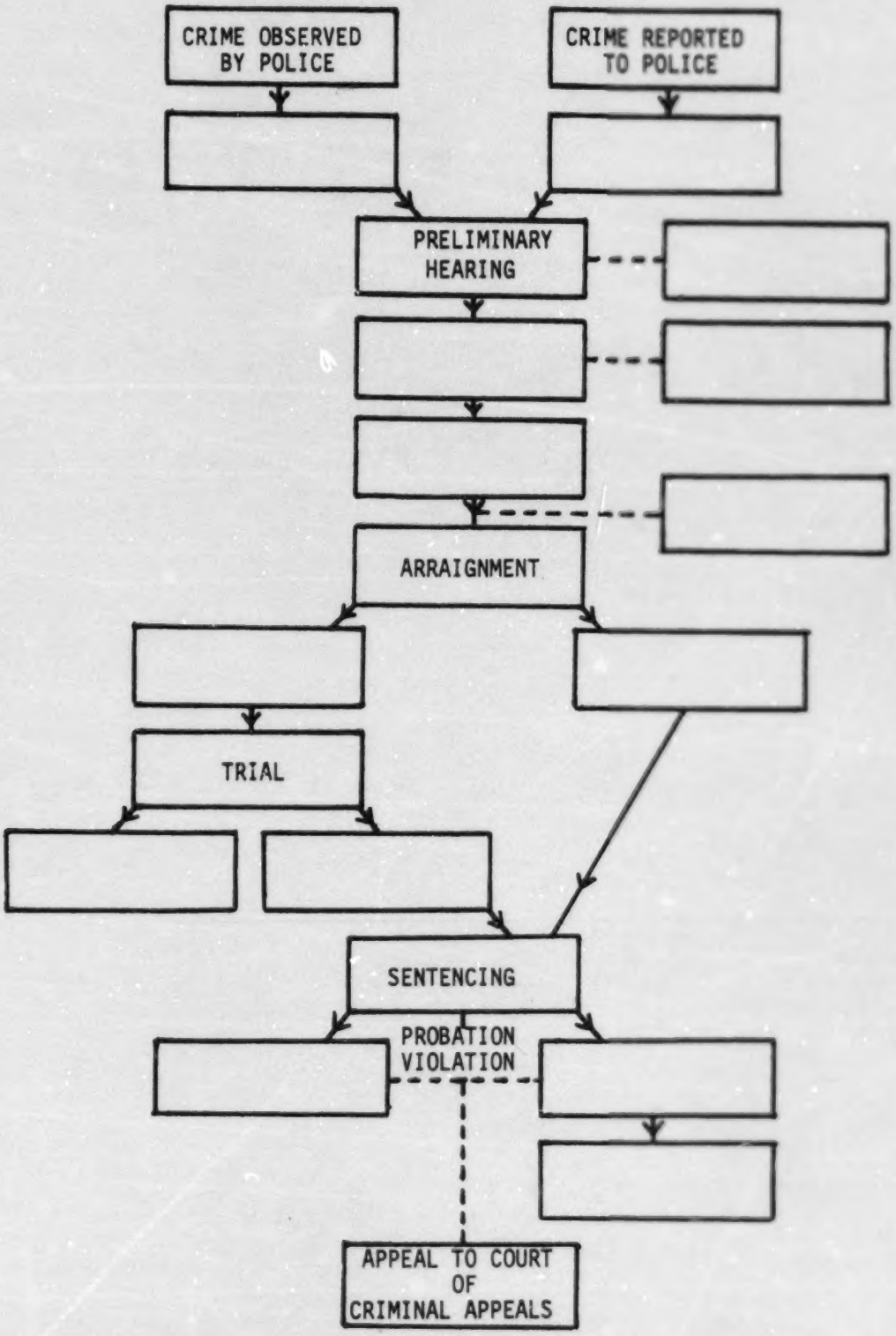
ANSWER KEY


DISPUTE DEVELOPS
PLAINTIFF'S COMPLAINT FILED IN COURT
DEFENDANT SERVED SUMMONS
DEFAULT BY DEFENDANT; PLAINTIFF CAN PROCEED TO JUDGMENT
DEFENDANT FILES ANSWER WHICH MAY INCLUDE COUNTERCLAIM OR CROSS-CLAIM
DISCOVERY (INTERROGATORIES, DEPOSITIONS, ETC.)
PRETRIAL CONFERENCE
CASE SETTLED WITHOUT TRIAL
TRIAL
VERDICT (JUDGMENT)
APPEAL TO APPROPRIATE APPEALS COURT

Resource: Guide to Alabama Court Procedures

ALABAMA FELONY CASE PROCESS

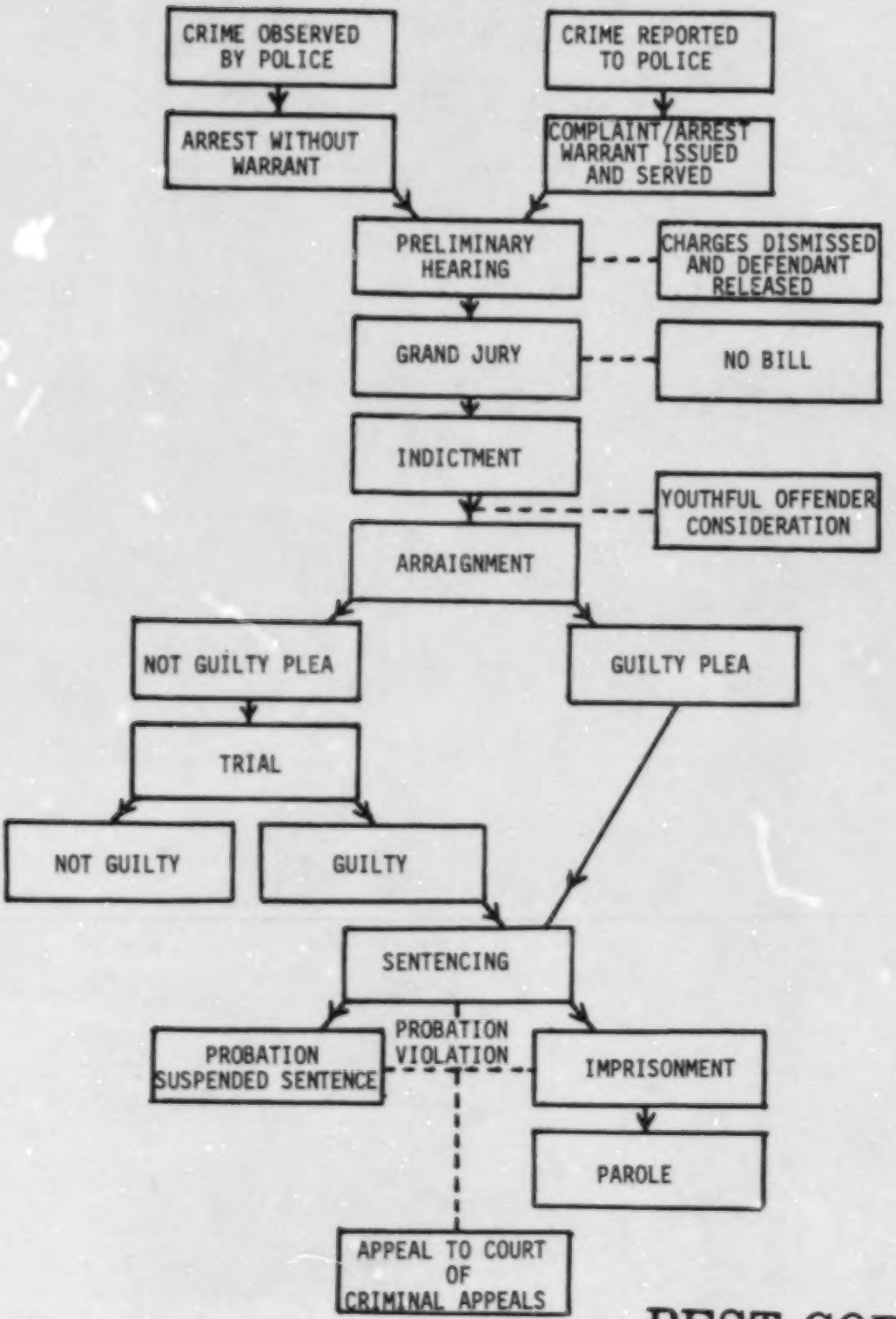
Directions: Fill in the missing steps for a criminal case process.



Resource: Guide to Alabama Court Procedures

ALABAMA FELONY CASE PROCESS

ANSWER KEY



Resource: Guide to Alabama Court Procedures

BEST COPY

COURTS OF LIMITED JURISDICTION

Directions: Fill in the outline below with the information about the Alabama Courts of Limited Jurisdiction.

I. Alabama Courts of Limited Jurisdiction

A. District Courts

1. Jurisdiction

a. original jurisdiction over:

1. _____

2. _____

3. _____

b. concurrent jurisdiction

1. _____

2. _____

c. exclusive jurisdiction

1. _____
(give examples)

a. _____

b. _____

c. _____

2. Terms of District Judges

_____

_____

3. Number of District Courts

_____

_____

B. Municipal Courts

1. jurisdiction_____

_____

_____

2. municipal court judges (appointment)

_____

_____

C. Probate Courts

1. jurisdiction_____

_____

2. appointment_____

_____

Resource: Guide to Alabama Court Procedures

COURTS OF LIMITED JURISDICTION

ANSWER KEY

I. Courts of Limited Jurisdiction

A. Alabama's District Courts

1. jurisdiction of Alabama District Courts

a. Original jurisdiction
   1. criminal misdemeanors
   2. preliminary hearings in felony prosecutions
   3. can receive guilty pleas in felony cases not punishable by death

b. concurrent jurisdiction with circuit courts
   1. juvenile matters
   2. civil actions where the amount in controversy does not exceed $5,000.

c. exclusive jurisdiction
   1. all civil matters where the amount in controversy does not exceed $500 (small claims) --landlord/tenant complaints, neighborhood disputes,.....

2. District Court Judges

a. Term - elected to six year terms (vacancies appointed by the governor)

b. Number of District Courts - sixty-seven, one in each county

B. Municipal Courts

1. general jurisdiction
   a. municipal violations
   b. city ordinance violations

2. municipal court judges--appointed by the governing body of the municipality.

C. Probate Court

1. general jurisdiction over matters involving:
   a. probate of wills
   b. administration of estates of persons who die without wills
   c. matters regarding guardians for minors and persons of unsound mind
   d. property rights of widows

BEST COPY AVAILABLE

e. the partition of lands

2. Probate Court Judges
   a. terms--appointed by the governing body of the municipality
   b. number of probate judges--sixty-eight, one for each county, plus a probate judge in the Bessemer Division of the 10th Judicial Circuit (Jefferson County).

Resource: Guide to Alabama Court Procedures

SIMULATION MATERIALS

TO THE TEACHER

The following list will provide other sources of materials for court simulations.

Moot - Published by: Interact
Box 262
Lakeside, California 92090

This simulation is excellent to use in Juvenile Law Classes in high school. The students use role-playing to simulate the crime, the apprehension and the trial. Some teachers involve the whole school. (cost--$15.00)

Confrontation in Urbia - Published by:

Ronald Lunstodt and David Dalporto
Classroom Dynamics Publishing Company
231 O'Conner Drive
San Jose, California 95128

This simulation includes a newspaper article, a short story, the transcript of a preliminary hearing in criminal court and a criminal court simulation. The number of Bill of Rights concepts that can be developed depends upon the creativity of individual teachers and classes. (cost--$21.50)

Jury Game - Published by:

Zenger Publication
Gateway Station 802
Culver City, California 90230

This game allows students to explore all of these concepts by means of a simulation of the jury selection process. The Jury Game is easily adaptable to mock trial presentation.

Kids in Crisis - Published by:

Zenger Publication
Gateway Station 802
Culver City, California 90230

This simulation game contains a role-playing that will provide you with a better understanding of the kinds of problems young people face, and the difficulty experienced by courts and public officials in trying to repair shattered lives.

Teaching About Law - Published by:

Gerlach and Lamprecht
Published by the W.H. Anderson Co.
Cincinnati, Ohio 45201

This book is excellent in giving examples of simulations, role-playing and games.

EVALUATION SHEET

Grade 12

To determine the usefulness of this Supplemental Materials Packet, the teacher is requested to answer and return this questionnaire. Your comments will be greatly appreciated.

1. What is your evaluation of this Packet?
   ( ) Excellent ( ) Above Average ( ) Average ( ) Poor

2. Does this Packet contain useful information?
   ( ) yes ( ) no

3. Does this Packet provide helpful suggestions and activities?
   ( ) yes ( ) no

4. Can the information and activities in this Packet easily be incorporated into your existing curriculum?
   ( ) yes ( ) no

5. How can this Packet be improved? (please specify, e.g. structure/organization, content/coverage, writing style, other). Use additional sheet.

6. If you have specific information/suggestions/activities that you feel would benefit other teachers, please attach to this evaluation sheet.

7. Please complete:

   Name: _____(optional)

   School: _____

   School Address: _____

   _____

   Telephone: ( ) _____

   Grades Taught: _____

   Years Taught: _____

8. Mail to:
   Administrative Office of Courts
   Attn: Julie Young
   817 South Court Street
   Montgomery, AL 36130

BEST COPY AVAILABLE